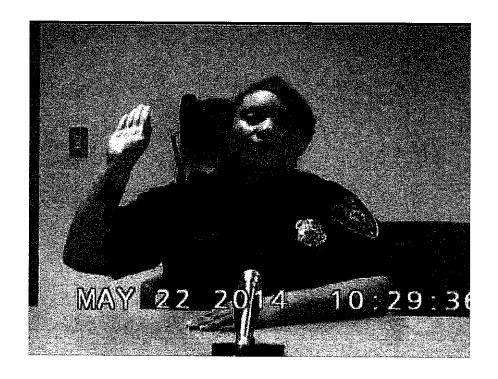
United States District Court Eastern District of Wisconsin

Estate of Perry v. Wenzel 12-CV-664



Video Deposition of Crystal Jacks

Recorded 05/22/2014 in Milwaukee, WI 10:29 am - 1:21 pm, 158 mins. elapsed

Magne-Script

(414) 352-5450



20474 Condensed transcript with index

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Crystal Jacks	2 EXAMINATION BY PAGE NO.
Thursday 05/22/2014 at 10:00 by: Jeff Joseph	3 Mr. Gende
Milwaukee City Attorneys Office	4 Ms. Lappen 107
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nastan sideliga of wideometr	10
	11 EXAMINATION
	12 BY MR. GENDE:
	13 Q Ma'am, please state your name and spell your last name
	14 for the record?
	15 A Crystal Jacks. Last name J-a-c-k-s.
	16 Q Officer Jacks, I'm going to ask you a series of
	questions regarding your knowledge of the events
	surrounding Mr. Perry's death. If you don't
	understand my question, please tell me so and I'll
	20 attempt to rephrase it in a manner that's more clear.
	21 Okay?
	22 A Okay.
	23 Q If you answer my question, I will assume that you
	24 understood it. Is that fair?
1	25 A Fair enough.
Page 2	Page 4
1 APPEARANCES	1 Q All your answers must be in a verbal manner because
2 James J. Gende	the court reporter cannot take down nods of the head
3 Gende Law Office, S.C.	3 and shrugs of the shoulders. Okay?
4 N28 W23000 Roundy Dr.	4 A Okay.
5 Pewaukee, WI 53072	5 Q Please allow me to ask my entire question before you
6 On behalf of the Plaintiffs	6 attempt to answer, and I'll afford you the same
7	7 courtesy so we may keep the record clear. Okay?
8 Andrew A. Jones	8 A Okay. All right.
9 Whyte Hirschboeck Dudek S.C.	9 Q Ma'am, what is your current employment?
10 555 E. Wells St. #1900	10 A I'm employed with the City of Milwaukee Police
11 Milwaukee, WI 53202	11 Department as a police officer.
	12 Q For how long?
	12 Q For how long? 13 A Thirteen years.
12 On behalf of the Milwaukee County Defendants	\
 On behalf of the Milwaukee County Defendants Susan E. Lappen Milwaukee City Attorneys Office 	13 A Thirteen years.
12 On behalf of the Milwaukee County Defendants 13 14 Susan E. Lappen 15 Milwaukee City Attorneys Office 16 841 N. Broadway #716	13 A Thirteen years. 14 Q And can you give me a brief overview of your
12 On behalf of the Milwaukee County Defendants 13 14 Susan E. Lappen 15 Milwaukee City Attorneys Office 16 841 N. Broadway #716 17 Milwaukee, WI 53202	13 A Thirteen years. 14 Q And can you give me a brief overview of your 15 employment history before you became a police officer?
12 On behalf of the Milwaukee County Defendants 13 14 Susan E. Lappen 15 Milwaukee City Attorneys Office 16 841 N. Broadway #716 17 Milwaukee, WI 53202 18 On behalf of the City of Milwaukee Defendants	13 A Thirteen years. 14 Q And can you give me a brief overview of your 15 employment history before you became a police officer? 16 A Before I became a police officer, I worked in a
12 On behalf of the Milwaukee County Defendants 13 14 Susan E. Lappen 15 Milwaukee City Attorneys Office 16 841 N. Broadway #716 17 Milwaukee, WI 53202 18 On behalf of the City of Milwaukee Defendants 19	13 A Thirteen years. 14 Q And can you give me a brief overview of your 15 employment history before you became a police officer? 16 A Before I became a police officer, I worked in a 17 nursing home. Before that, I worked at K-Mart, and 18 before that, I worked at McDonald's. 19 Q What was your job when you worked at the nursing home?
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On behalf of the Milwaukee County Defendants Susan E. Lappen Milwaukee City Attorneys Office 841 N. Broadway #716 Milwaukee, WI 53202 On behalf of the City of Milwaukee Defendants On behalf of the City of Milwaukee Defendants	13 A Thirteen years. 14 Q And can you give me a brief overview of your 15 employment history before you became a police officer? 16 A Before I became a police officer, I worked in a 17 nursing home. Before that, I worked at K-Mart, and 18 before that, I worked at McDonald's. 19 Q What was your job when you worked at the nursing home? 20 A Taking care of elderly patients. 21 Q Did you have some medical training in order to be 22 qualified for that job?

2 (Pages 5 to 8)

				Z (rages 3 to 6)
	Page 5			Page 7
	Basically, getting them dressed, bathing them, helping hem feed them, helping them to use the bathroom.	1 2	Q	Okay. Was he your partner at the time you had this conversation about his deposition?
3 Q	Did you receive any type of certification, like a	3	Α	For that particular day, we were partners, but he's
4 n	not a registered nurse, but a nursing assistant or	4		not somebody who I would work with every day.
5 so	something along those lines?	5	Q	
6 A	Closer to a nursing assistant.	6	À	
	And how about a overview of your educational	7	Q	And who brought out the conversation about his
	background, please?	8	_	deposition at that time?
9 A	How far back do you want me to go, or	9	Α	
	Let's start after high school.	10	Q	Okay. And tell me what you talked about.
11 A	Okay. After high school, I didn't go to college right	11	À	•
	away until after I was on the department, my	12		you had asked him.
13 d	lepartment, the Milwaukee Police Department, and I	13	Q	
14 w	went to Marian College.	14	•	you?
	When did you attend Marian?	15	Α	Basically, as the condition of which Mr. Perry was
	I do not know the exact dates.	16		from the hospital, back to our Prisoner Processing
17 Q 1	Did you receive a degree?	17		Section.
18 A	I received 60 college credits, which would be	18	Q	How long did you talk to Officer Kroes about those
	equivalent to an associate's.	19	_	questions that he was asked at his deposition?
20 Q	When was the last time you were going to Marian?	20	Α	<u>-</u>
	I would say at least seven years ago.	21	Q	Did you talk to any of the other officers that have
	Did you review any documents in preparation for your	22		been deposed about their depositions?
23 d	leposition this morning?	23	Α	Yes, I did.
24 A	Yes, I did.	24	Q	Who else did you speak with?
25 Q	What documents did you review?	25	A	Stephon Bell.
	Page 6			Page 8
	The initial paperwork that you gave me about being	1	Q	And when did you have that conversation with Officer
	Appearing?	2		Bell?
1	sued. And the police reports from the day of this	3	A	Probably around the exact date as when he did his
	neident.	4		deposition. I believe how that came up is that his
5	(Exhibit 75 identified)	5		first appointment to do this had been cancelled.
	I'm going to show you what we've marked as Exhibit No.	6	Q	Were you assigned with Officer Bell at that time as
	5, which was your notice to appear at a prior date,	7		well?
	ntered and continued to this date. As part of that	8	A	No.
L .	otice, we asked that you bring with you any documents	9	Q	Okay.
	ou reviewed in preparation for your deposition here	10		No.
1	oday. Do you have those documents with you?	11	Q	So where did this conversation take place?
12 A N	No, I do not.	12	A	1
112 0 -	Do you know where they're at?	13	Q	Did you call him or did he call you?
14 A F	Probably in my work locker.	14		I do not know.
14 A F 15 Q I	Did you review any deposition testimony before	15	Q	Was the purpose of the cell phone call to discuss the
14 A F 15 Q I 16 ap	Did you review any deposition testimony before ppearing?	15 16	Q	Was the purpose of the cell phone call to discuss the deposition or some other reason?
14 A H 15 Q I 16 ap 17 A N	Did you review any deposition testimony before ppearing? No.	15 16 17	Q A	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the
14 A F 15 Q I 16 ap 17 A N 18 Q I	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've	15 16 17 18	Q A	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been
14 A F 15 Q I 16 ap 17 A N 18 Q I 19 de	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions?	15 16 17 18 19	Q A	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled.
14 A H 15 Q I 16 ap 17 A M 18 Q I 19 de 20 A M	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions? Yes. My partner, Officer Kroes.	15 16 17 18 19 20	Q A Q	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled. Did you then talk to Officer Bell about his deposition
14 A H 15 Q I 16 ap 17 A M 18 Q I 19 de 20 A M 21 Q 0	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions? Yes. My partner, Officer Kroes. Okay. And when did you speak to Officer Kroes about	15 16 17 18 19 20 21	Q A Q	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled. Did you then talk to Officer Bell about his deposition after he took it?
14 A H 15 Q I 16 ap 17 A M 18 Q I 19 de 20 A M 21 Q Q 22 hi	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions? Yes. My partner, Officer Kroes. Okay. And when did you speak to Officer Kroes about is deposition?	15 16 17 18 19 20 21 22	Q A Q A	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled. Did you then talk to Officer Bell about his deposition after he took it? No.
14 A F 15 Q I 16 ap 17 A N 18 Q I 19 de 20 A N 21 Q C 22 hi 23 A I	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions? Yes. My partner, Officer Kroes. Okay. And when did you speak to Officer Kroes about is deposition? It was the day after he did his deposition with you.	15 16 17 18 19 20 21 22 23	Q A Q A Q	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled. Did you then talk to Officer Bell about his deposition after he took it? No. Other than meeting with your attorney, have you had
14 A F 15 Q I 16 ap 17 A N 18 Q I 19 de 20 A N 21 Q C 22 hi 23 A I 24 Q I	Did you review any deposition testimony before ppearing? No. Did you speak to any of the other defendants who I've eposed in this case about their depositions? Yes. My partner, Officer Kroes. Okay. And when did you speak to Officer Kroes about is deposition?	15 16 17 18 19 20 21 22	Q A Q A Q	Was the purpose of the cell phone call to discuss the deposition or some other reason? No. Just to we asked how I asked him how the deposition went, and he had told me that it had been rescheduled. Did you then talk to Officer Bell about his deposition after he took it? No.

3 (Pages 9 to 12)

					3 (rages 9 to 12)
		Page 9			Page 11
1	Α	No.	1	Q	Okay. Where did you first see Mr. Perry?
2	Q	And what police reports do you recall reviewing in	2	_	I first saw Mr. Perry when he was in the back of Bell
3		preparation for your deposition?	3		Ambulance.
4	A		4	0	
5		the actual night of when this occurred.	5	*	ambulance?
6	Q		6	Α	Who actually loaded him?
7	-	I do not know the exact date, but I did have a meeting	7	Q	Yes.
8		with Sue Lappen, and I would say that was at least two	8	A	I do not.
9		or three months ago.	9	Q	When you first saw Mr. Perry, tell me what you recall
10	Q		10	V	seeing.
11	•	documents other than the statement you gave to	11	Α	It was just a quick glance, but he was on a cot, and
12		detectives?	12	11	that's really about I mean, I really couldn't it
13	Α	No.	13		was just a quick glance of what I saw.
14	0		l	_	· · · · · · · · · · · · · · · · · · ·
15	Ų	5	1	Q	Was he sitting up, laying down?
16	٨	as a defendant, right? Correct.	15	A	The cot was in a sitting up.
1	_		16	Q	And did he appear conscious or unconscious?
17	Q	, in	17	A	Conscious.
18		An hour.	18	Q	Did he have any type of breathing apparatus on him?
19	Q	2 1 1 1	19	A	No.
20		Officer Kroes.	20	Q	Were you able to converse with him at that time?
21	Ų	Have you subsequently met with Ms. Lappen to prepare	21	Α	No, because Officer Kroes, we had made the decision
22		for your deposition here today?	22		that he would ride with him to the hospital and I
23		I've only had one meeting with Sue Lappen	23	_	would follow behind in my squad car.
24	Q	· ·	24	Q	Did it appear that Mr. Perry was being resistant or
25	A	regarding this deposition.	25		combative
		Page 10			Page 12
1	Q	What was your assignment on September 13th, 2010?	1	Α	No.
2	Α		2	Q	at that time?
3	Q	What were you assigned to do that day?	3	À	No.
4	Α	My	4	Q	Did it appear that Mr. Perry had any visible signs of
5	Q	What was your job responsibility?	5	`	injury on his body?
6	A	Police officer, and to convey a prisoner from the	6	Α	
7		Prisoner Processing Section to the hospital.	7	O	Did it appear that Mr. Perry had urinated or defecated
8	Q		8	•	on himself at that time?
9	-	day, or was it just an assignment that you got while	9	Α	No.
10		you were out patrolling?	10		Did you hear him mumbling or groaning or yelling out
11	Α	It was a dispatch assignment.	11		in pain at all?
12	Q	-	12	Α	From when before we even left to the hospital? No.
13	-	No. I didn't even get a chance to patrol.	13	Q	Okay.
14	Q	·	14	Ā	No.
15	-	It came over as a take a prisoner for a medical from	15	0	Would you describe the physical condition that you
16		Prisoner Processing Section to the hospital for a	16	-	observed of Mr. Perry as anything other than normal
17		seizure.	17		the first time you saw him?
18	Q		18		He looked normal to me.
19	•	at?	19	0	Officer Kroes then went with Mr. Perry in the back of
20	A		20	_	the ambulance and you followed with the squad,
21	Q	^	21		correct?
22	À		22		Correct.
		1	23	0	When you arrived at the hospital, tell me what
23	Q	were you just preparing to go out on namo with			
23 24	Q	Were you just preparing to go out on patrol with Officer Kroes?		•	
			24 25	•	happened with Mr. Perry. The I parked my squad car and let the dispatcher

4 (Pages 13 to 16)

					4 (Pages 13 to 16)
		Page 13			Page 15
1		know that we were 23, which means basically we were at	1	Α	I did. This was after the hospital staff took their
2		the hospital. He was taken out of the back of the	2		initial assessment, blood pressure, any type of med
3		ambulance and put into a room.	3		they asked him if he takes any type of medication.
4	Q	Who removed Mr. Perry from the ambulance?	4	Q	Did you see hospital staff undertake a assessment that
5	Α	The paramedics.	5		included vital signs for Mr. Perry?
6	Q	Was he rolled out of the ambulance on the cot?	6	Α	Correct.
7	A	Correct.	7	Q	And what did you see them do in that regard?
8	Q	And then was the cot rolled into the hospital?	8	Α	They took his blood pressure, they put something on
9	A		9		his I don't know the exact name of it, but they put
10	Q	5 5	10		something on your finger, which I believe monitors
11		conveyance?	11		your oxygen, oxygen, how you're breathing, your heart
12	_	No.	12	_	rate.
13	Q	• • • • • • • • • • • • • • • • • • • •		Q	, , , , , , , , , , , , , , , , , , , ,
14		would still describe him as normal, true?	14		were taken that they were abnormal?
15		Yes.	15		No.
16 17	Ų	And Mr. Perry, as he was being rolled into the	16	Q	
18		hospital on the cot by hospital staff, appear to be resistant or combative at that time?	17 18		inquiry that you made of Mr. Perry after hospital
19	Λ	No.	19		staff made their first assessment and found Mr. Perry to be essentially in normal condition.
20	Q	Was he moaning or groaning in pain?	20	Λ	I basically asked him does he know what happened. I
21	A	No.	21	А	asked him if he knew what date it was. I asked if he
22	Q	Had he urinated or defecated on himself?	22		knew how long he had been in custody. And I asked him
23	À	No.	23		when he was originally arrested, did they bring his
24	Q	Once he was rolled into the hospital and assigned to a	24		medication for seizures with him when he was arrested.
25	`	room, did you observe his condition change at all at	25	Q	Did he appear generally responsive?
		Page 14			Page 16
1		that point in time?	1	A	Yes.
2	Α	No.	2	Q	Was he spitting at that time?
3	Q	What happened next, after Mr. Perry was put into the	3	A	No.
4		hospital room?	4	Q	Had he urinated or defecated on himself?
5	Α	• • •	5	Α	No.
6		so they don't fall off the cot, took off the blanket,	6	Q	Did he appear to be bleeding from any part of his body
7		and they started asking him basically what was his	7		at that point in time?
8		reason for coming to the hospital that day.	8	Α	No.
9	Q	• •	9	Q	Had he lost consciousness up to that point in time
10	A	Yes, he answered their questions.	10		that you're aware of?
11	Q	Did he appear coherent at that time?	11	A	No.
12 13	A	Yes.	12	Q	How did you become advised that he needed medications
14	Q	Had he lost consciousness at any point in time up until he was answering hospital staff questions?	13 14	Α	for seizure issues?
15	Δ	No.	15		I wasn't notified that he needed specific medicine. I was notified to take him to the hospital for treatment
16	Q	1			of a seizure.
17	V	saw him in the back of the ambulance until he was	17	0	And then as a result, you inquired as to whether he
18		assigned to a hospital room.	18	_	needed medications for his seizure activity?
19	Α	He never lost consciousness.	19		No, I did not inquire.
20		Did either yourself or Officer Kroes make any inquiry	20		Well, you mentioned having as part of your discussion
21	_	of Mr. Perry up until the point of time where he was	21		with him questions about his seizure medications,
22		answering questions for hospital staff, if you know?	22		correct?
23	A	What do you quir I'm not	23	Α	Correct.
24	Q	, , ,	24	Q	How did that come to pass? Did he tell you, "I need
25		doing?	25		seizure medications"? Did you ask him?

5 (Pages 17 to 20)

A No. I asked him, when he was arrested, if the medication - I asked him if he takes it on a regular basis, and when he was arrested, did they bring that medication with him. A He said he did not they did not bring any medication with him. B Q When you were talking to Mr. Perry and he was generally responsive, was he able to look you in the eye and respond? A Yes. Q Did he appear to be losing consciousness at all during that process? A No. A No was that process? A A I sat right there in a chair. A I sat right there in a chair. D Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? A I sat right there in a chair. D Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? Was he allowed to do that? A He sad asked He said he needed to use the bathroom. A He was. A He was. A He was. A He was, which was sitting there with him, he said that he needed to last the bathroom. And I asked him number one or number two, and that I would go get Office. Knoes to go with him. A No. A No. A Wed secort him. D A Odd by the way, during this half-hour time period that you wand you didn't try to engage further conversation with him? A He had a sked He said he needed to use the bathroom. And I asked him number one or number two, and that I would go get Office. Knoes to go with him. A No. A No. A He was. A He had a sked one with him. A No. A He had a had he hour time period that you described, was Mr. Perry derive handwing the half hour time period that you can be a hardwood to do that? A He had a had he had he had had hour or on a complete two, and that I would go get Office. Knoes to go with him. A No. A He had a had he had he was in? A He had a had he had he had he had he was in? A He had a had he had he had he was in? A He had a head of the had he was in? A He had a head of the had he was in	Γ			l		3 (Pages 17 to 20)
2 medication -1 asked him if he takes it on a regular abasis, and when he was arrested, did they bring that medication with him. 5 Q And his response was what? 6 A He said he did not - they did not bring any medication with him. 7 medication with him. 8 Q Webr you were talking to Mr. Perry and he was generally responsive, was he able to look you in the eye and respond? 10 A Yes. 11 A No. 12 Q Did he appear to be losing consciousness at all during the his limital conference that you've discussed? 13 A No. 14 A No. 15 Q How long did you remain at Mr. Perry's side during this limital conference that you've discussed? 16 A Yes was a during that half an hour time period, did you continue to closely monitor Mr. Perry? 17 A At least a half an hour time period, did you continue to closely monitor Mr. Perry? 18 A I did. 19 Q And during that half an hour time period, did you continue to closely monitor Mr. Perry? 20 Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? 19 Q No be didn't try to engage further conversation with win? 10 Page 18 11 you and you didn't try to engage further conversation with im? 12 Q And tell me how that process went forward. 13 Q And tell me how that process went forward. 14 Q Was he allowed to do thar? 15 Q Hed no cuffs on? 16 A No. 17 A He didn't still have the cuffs on, because we walked him number one or number two, and that I would go get you described, was Mr. Perry restrained in any manner to the hospital bed he was in? 15 Q Had no cuffs on? 16 A No. 17 A No. 18 A No. 19 Q And with thim. he said that he needed to use the bathroom. And I asked him and the condition of the control of th			Page 17			Page 19
basis, and when he was arrested, did they bring that medication with him. 5 Q And his response was what? 6 A He said he did not — they did not bring any medication with him. 8 Q When you were talking to Mr. Perry and he was generally responsive, was he able to look you in the eye and respond? 10 A Yes. 11 A Yes. 12 Q Did he appear to be losing consciousness at all during that process? 13 that process? 14 A No. 15 Q How long did you remain at Mr. Perry's side during this initial conference that you've discussed? 16 A I sat right there in a chair. 17 A At least shalf an hour. 18 Q And during that half an hour time period, did you contine to closely monitor Mr. Perry? 19 A I sat right there in a chair. 20 Q Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? 19 Q And other for a majority of that half hour after your initial conversation? 20 A I lead asked — He said he needed to use the bathroom. 21 Q Was he allowed to do that? 22 A B sakically, while I was sitting there with him, he said that he needed to use the bathroom. And I asked him number one or number two, and that I would go get Officer Kroes to you dring this half-hour time period that you've described, was Mr. Perry retrieved handled for the bathroom. And I asked him number one or number two, and that I would go get Officer Kroes to you dring this half-hour time period that you've described, was Mr. Perry retrained in any you'	1	Α	No. I asked him, when he was arrested, if the	1	A	Okay.
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5 Q And his response was what? 6 A He said he did not they did not bring any medication with him. 7 Me said he did not they did not bring any medication with him. 8 Q When you were talking to Mr. Perry and he was generally responsive, was he able to look you in the eye and respond? 10 eye and respond? 11 A Yes. 12 Q Did he appear to be losing consciousness at all during that process? 13 that process? 14 A No. 15 Q How long did you remain at Mr. Perry's side during this initial conference that you've discussed? 16 A 1 sat right there in a chair, continue to closely monitor Mr. Perry? 17 A At least a half an hour. 18 Q And during that half an hour time period, did you continue to closely monitor Mr. Perry? 19 Q And during that half an hour time period, did you continue to closely monitor Mr. Perry? 20 A I sat right there in a chair, you'r initial conference that you've discussion cease and the two of you just sit next to each other for a majority of that half hour after you'r initial conversation? 21 Q Did discussion cease and the two of you just sit next to each other for a majority of that half hour after you'r initial conversation? 22 you and you didn't try to engage further conversation with him? 23 A Ile had asked — He said he needed to use the bathroom, with him? 24 A Basically, while I was sitting there with him, he said that he needed to use the bathroom. And I asked him number one or number two, and that I would go get officer Kroes to go with him. 25 Q Had no led me how that process went forward. 26 Q Had ho ell me how that process went forward. 27 A Basically, while I was sitting there with him, he said that the needed to use the bathroom. And I asked him number one or number two, and that I would go get you've described, was Mr. Perry testrained in any mamner to the hospital bed he was in? 28 A No. 29 G Had no euglis on? 30 A Ile had asked He said he needed to use the bathroom with him of the restrained in any mamner to the hospital bed he was in? 31 A Both try to engage further conversation	3		basis, and when he was arrested, did they bring that	3	Α	Mm-hmm. Mm-hmm.
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7 medication with him. 8 Q When you were talking to Mr. Perry and he was generally responsive, was he able to look you in the eye and respond? 10 A Yes. 11 A Yes. 12 Q Did he appear to be losing consciousness at all during that process? 13 A No. 15 Q How long did you remain at Mr. Perry's side during thiat process? 14 A No. 15 Q How long did you remain at Mr. Perry's side during thiat laconference that you've discussed? 17 A At least a half an hour. 18 Q And during that half an hour. 19 continue to closely monitor Mr. Perry? 20 A I sat right there in a chair. 21 Q Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? 22 A I tidid. 25 Q So beh didn't try to engage further conversation with him? 26 A He was. 27 A He was. 28 A He had asked — He said he needed to use the bathroom. 29 A B assically, while I was sitting there with him, he said that he needed to use the bathroom. And I asked him number nor or number two, and that I would go get office. Kroes to go with him. 29 Q Had no cuffs on? 20 Q Had no cuffs on? 20 Q Had no cuffs on? 21 A No. 22 A No. 23 Q Had no long shackles on? 24 A No. 25 Q Had no cuffs on? 26 A No. 27 Q Had no long shackles on? 28 A No. 29 G Had no cuffs on? 29 And pit mask had not — or an expectorant shield had not been applied at that time, true? 29 A A during this half-hour time period where Mr. Perry was unsecured in the hospital bed, did — 29 Q And during this half-hour time period where Mr. Perry was unsecured in the hospital bed, did — 29 A No. 20 A not was there a particular reason why handcuff's were not reapplied attent time, true? 20 A not during this half-hour time period where Mr. Perry was unsecured in the hospital bed, did — 29 A No. 29 G He had no tuffs on? 20 A No. 21 He had no tuffs of hospital bed, did — 21 He had not be an applied at that time, true? 22 A No had pit mask had not — or an expectorant shield had not been applied at that time, true? 29 A No had during this half-hour time period wh	5	Q	And his response was what?	5		BY MR. GENDE:
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1 A Yes. 1 I make any movement like he wanted to escape or leave the that process? 2 I Did he appear to be losing consciousness at all during that process? 3 A No. 4 A No. 5 Q How long did you remain at Mr. Perry's side during this half an hour time period, did you continue to closely monitor Mr. Perry? 2 A A I sat right there in a chair. 2 Continue to closely monitor Mr. Perry? 3 A I sat right there in a chair. 4 A I did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? 4 A I tidid. 5 Q So he didn't try to engage further conversation with 1 Page 18	9		generally responsive, was he able to look you in the	9		BY MR. GENDE:
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that process? 4 A No. 4 No. 4 No. 4 No. 5 Q How long did you remain at Mr. Perry's side during this initial conference that you've discussed? 6 A At least a half an hour. 7 A At least a half an hour time period, did you continue to closely monitor Mr. Perry? 8 A Is a right there in a chair. 9 C And during that half an hour time period, did you continue to closely monitor Mr. Perry? 19 C And during that half an hour time period, did you continue to closely monitor Mr. Perry? 20 A I sat right there in a chair. 21 Q Did discussion cease and the two of you just sit next to each other for a majority of that half hour after your initial conversation? 22 to each other for a majority of that half hour after your initial conversation? 23 you and you didn't try to engage further conversation with 24 A It did. 25 Q So he didn't try to engage further conversation with 26 Was he allowed to do that? 27 A He had a sked He said he needed to use the bathroom. 4 Q Was he allowed to do that? 5 A He was allowed to do that? 6 Q And tell me how that process went forward. 7 A Basically, while I was stitting there with him, he said that he needed to use the bathroom. And I asked him number one or number two, and that I would go get officer Kroes to go with him. 10 Q And by the way, during this half-hour time period that hat he needed to use the bathroom. And I asked him number one or number two, and that I would go get officer Kroes to go with him. 10 Q Had no leg shackles on? 11 A No. 12 Yes. 13 A No. 14 A No. 15 Q Had no leg shackles on? 15 Q Had no leg shackles on? 16 A No. 17 Q Had no leg shackles on? 18 A No. 19 Q And spit mask had not or an expectorant shield had not been applied at that time, true? 20 And during this half-hour time period where Mr. Perry was unsecured in the hospital bed, did 21 A Correct. 22 Q And during this half-hour time period where Mr. Perry was unsecured in the hospital bed, did 24 A He had He had a handcuff to the bed, but 25 Did you ded that Mr.	11	Α	Yes.	11		make any movement like he wanted to escape or leave
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A At least a half an hour. Q And during that half an hour time period, did you continue to closely monitor Mr. Perry? A I sat right there in a chair. Q Did discussion cease and the two of you just sit next case and the two of you just sit next your initial conversation? A I to did. D Both you and you didn't try to engage further conversation with him? A He had asked — He said he needed to use the bathroom. A He was. A Basically, while I was sitting there with him, he said that he needed to use the bathroom. A Basically, while I was sitting there with him, he said that he needed to use the bathroom. A Basically, while I was sitting there with him, he said that he needed to use the bathroom. A He had not urinated or defecated on himself at that point, correct? A Correct. A Correct. A Correct. A No. A He had no leg shackles on? A Had no leg shackles on? A No. A He had no leg shackles on? A No. A He had a handcuff of once the handcuff was removed, was Mr. Perry then handcuffed at his arms before he went to the restroom? A He didn't still have the cuffs on, because we walked him to the bathroom. B A No. A He didn't still have the cuffs on, because we walked him to the bathroom. B bathroom, correct? A Correct. A Ved escort him. B bathroom, correct? A Correct. A Yes. D Did he appear to be wobbly or have an unsteady gait? A No. A Basically, while I was sitting there with him, he said that he needed to use the bathroom. A Davisally, while I was sitting there with him, he said that he needed to use the bathroom without point, correct? A Correct. A Correct. A Correct. A Correct. A Correct. A No. A He had no turinated or defecated on himself at that point, correct? A Correct. A Correct. A Correct. A No. C He had not urinated or defecated on himself at that point, correct?	16			16	A	Yes.
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	24	Α		24	Α	I wouldn't say he was totally a flight risk or
23 Anything like that. I would say there's no such thing	25	Q	That's what I'm looking for.	25		anything like that. I would say there's no such thing

6 (Pages 21 to 24)

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		Page 21			Page 23
1		as a safe prisoner.	1	0	Do you know if Mr. Perry had been administered any
2	Q		2	~	medication up to this point in time by hospital staff?
3		custody, you're always concerned for your own safety	3	Α	I don't recall at this point them administering any
4		as an officer, correct?	4		type of medication.
5	Α	Correct.	5	Q	
6	Q	And that's something that you vigilantly monitor	6	•	the bathroom, correct?
7	_	because you don't want to be injured and you don't	7	Α	Correct.
8		want to see anybody else injured from the prisoner,	8	Q	
9		correct?	9	`	orally up until the point in time that we have
10	Α	Correct.	10		reached, correct?
11	Q	But at this point in time, Mr. Perry did not present	11	Α	Correct.
12		such a risk that you felt it necessary to have him	12	Q	So you left for a couple minutes to get a drink and
13		handcuffed as he was escorted to the bathroom, true?	13	•	came back, true?
14	A	Right. Right.	14	A	Correct.
15		In your opinion, did Officer Kroes feel the same way,	15	Q	
16	_	if you know?	16	Ā	
17	Α	I do not know.	17	Q	
18	Q	Did Officer Kroes say, "Hey, we should cuff Mr. Perry	18	*	condition of Mr. Perry?
19	_	while he goes to the restroom"?	19	Α	Officer Kroes had told me that he had another seizure.
20	Α	No.	20	Q	
21	Q	How long was Mr. Perry using the restroom before he	21	À	
22		was brought back to his hospital bed?	22	Q	Is that a yes?
23	Α	A couple minutes.	23	À	
24	Q	And when he came out of the restroom, would you	24	Q	And do you know if medical staff responded to that
25		describe his condition as having changed at all	25	-	seizure in your absence?
					bellare in your assence.
		Page 22			Page 24
1		_		A	Page 24
1 2	A	Page 22 physically? No.	1	_	Page 24 I do not know.
ı	A Q	physically?		Q	Page 24 I do not know. Did Officer Kroes tell you whether medical staff had
2	_	physically? No.	1 2	Q	Page 24 I do not know.
2	Q	physically? No. Still responsive?	1 2 3	Q	Page 24 I do not know. Did Officer Kroes tell you whether medical staff had responded to Mr. Perry's seizure in your absence? No.
2 3 4	Q A	physically? No. Still responsive? Yes.	1 2 3 4	Q A Q	Page 24 I do not know. Did Officer Kroes tell you whether medical staff had responded to Mr. Perry's seizure in your absence? No. When you saw Mr. Perry then after returning from
2 3 4 5	Q A Q	physically? No. Still responsive? Yes. Still able to walk of his own accord, correct? Yes.	1 2 3 4 5	Q A Q	Page 24 I do not know. Did Officer Kroes tell you whether medical staff had responded to Mr. Perry's seizure in your absence? No. When you saw Mr. Perry then after returning from getting something to drink, did you ask him any
2 3 4 5	Q A Q A	physically? No. Still responsive? Yes. Still able to walk of his own accord, correct?	1 2 3 4 5 6	Q A Q	Page 24 I do not know. Did Officer Kroes tell you whether medical staff had responded to Mr. Perry's seizure in your absence? No. When you saw Mr. Perry then after returning from
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7 (Pages 25 to 28)

		Domo OF			, (14ges 25 co 20)
		Page 25			Page 27
1		assistance?	1		Perry or Mr. Perry and Officer Kroes after the second
2	A	Basically when a nurse came back in, we had told them	2		seizure?
3		that he had another seizure.	3		I know I didn't have I didn't talk to him again.
4	Q		4	Q	Were nursing staff eventually able to get an I.V. into
5		seizure activity, did you press any buttons or call	5		Mr. Perry?
6		for the nurse requesting medical assistance?	6	A	
7		I did not.	7	Q	11 7
8	Q	When the nurse returned and you informed her that Mr.	8	Α	=-
9		Perry had had two seizures in their absence, what, if	9	Q	· · · · · · · · · · · · · · · · · · ·
10		anything, was done at that time?	10		further seizure activity?
11		I I can't remember what they did.	11		He had one more after the I.V. was put in.
12	Q	How much time elapsed from the second seizure that you		Q	e .
13		observed until the nurse came back in to check on Mr.	13	Α	, , ,
14		Perry's status?	14	Q	• • • • • • • • • • • • • • • • • • • •
15		I do not know the exact time, how much time elapsed.	15		Perry while you were present?
16		More than five minutes, less than five minutes?	16	A	
17		More than five minutes.	17	Q	· · · · · · · · · · · · · · · · · · ·
18		More than half an hour, less than half an hour?	18		or Officer Kroes call for medical assistance, push a
19		Less than half an hour.	19		button, call out for a nurse?
20	Q	When that nurse came back in, do you recall her name	20	A	After the nurse came back in, every time a nurse came
21		or what she looked like?	21		in to check on him, we let them know he had another
22	A	I don't recall her name. I could the only thing I	22	_	seizure.
23	_	remember, that was a white female.	23		What was their response, if any?
24	Q	What color hair?	24	Α	I don't remember the exact verbal response each time
25	А	I can't remember that.	25		that we were telling this, but I know she was, a
					and we work terming and, but I know sile was, a
		Page 26			Page 28
1	Q		1		
1 2	Q	_			Page 28
	Q	Older, younger? Mid 20s. When the nurse came back in, you informed her of the	1		Page 28 nurse, she was like, "Okay. I'll let the doctor know." Why did you and Officer Kroes remain in the presence
2	Q A Q	Older, younger? Mid 20s. When the nurse came back in, you informed her of the seizure activity, what did she do next?	1 2		Page 28 nurse, she was like, "Okay. I'll let the doctor know." Why did you and Officer Kroes remain in the presence of Mr. Perry during this time period? Why did you
2	Q A Q	Older, younger? Mid 20s. When the nurse came back in, you informed her of the	1 2 3	Q	Page 28 nurse, she was like, "Okay. I'll let the doctor know." Why did you and Officer Kroes remain in the presence of Mr. Perry during this time period? Why did you stay with the prisoner?
2 3 4	Q A Q	Older, younger? Mid 20s. When the nurse came back in, you informed her of the seizure activity, what did she do next? At this point, they're starting to — they're going to — an I.V.	1 2 3 4 5	Q A	Page 28 nurse, she was like, "Okay. I'll let the doctor know." Why did you and Officer Kroes remain in the presence of Mr. Perry during this time period? Why did you stay with the prisoner? Because we can't leave prisoners alone by themselves.
2 3 4 5 6 7	Q A Q	Older, younger? Mid 20s. When the nurse came back in, you informed her of the seizure activity, what did she do next? At this point, they're starting to — they're going to — an I.V. They put a I.V. into Mr. Perry?	1 2 3 4 5 6	Q A	Page 28 nurse, she was like, "Okay. I'll let the doctor know." Why did you and Officer Kroes remain in the presence of Mr. Perry during this time period? Why did you stay with the prisoner? Because we can't leave prisoners alone by themselves. Is that standard operating procedure for the Milwaukee
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	24		ready to transport him.	24	Q	How often were hospital staff checking on Mr. Perry
<u></u>	25	Q	After the third seizure and after you saw medications	25		

9 (Pages 33 to 36)

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		Page 33			Page 35
1		seizure and during the course of your conversations	1		period that we've discussed, restrained to the
2		with Officer Kroes about Mr. Perry not improving?	2		hospital bed?
3	Α	How long were the hospital staff coming in or how	3	Α	He was cuffed with the exception of taking the cuffs
4		frequent?	4		off so that he could put his arms in the shirt.
5	Q	How many yeah. How frequent did they come in and	5	Q	During this one hour time period after the third
6		check?	6		seizure and before the discharge, did you, as part of
7	Α	I don't know exact number.	7		your discussions with Officer Kroes, suggest that Mr.
8	Q	And when they would come back in and check, did you	8		Perry may be faking?
9		and Officer Kroes express to them your concern that	9	Α	No.
10		Mr. Perry seemed to be getting worse as opposed to	10	Q	How did the discharge process unfold? Tell me what
11		better?	11		happened.
12	A		12	Α	I was concerned because obviously, as I said before,
13	Q	* *	13		his condition wasn't better, and I expressed that to
14	Α		14		the nurse and the doctor. And I had asked the doctor
15		seemed it was really brief. I told them about	15		what exactly what did they give him, what type of
16		what, you know, I basically asked what was going on	16		medication, why is he why was he acting like this,
17		with him, why his condition is so different, and	17		why can't I was basic I asked the doctor to
18		eventually the only thing that they "Well, it's	18		explain to me what exactly what treatment they gave
19		just from the medication that we gave him."	19		him.
20	Q	,	20	Q	Was the doctor responsive?
21		describe that for me. How was it so different?	21	Α	Yes.
22	Α	It was different than, when he first got there, he was	22	Q	And were you satisfied with the doctor's explanation
23		talking to me, he knew what date it was, he knew where	23		as to what treatment Mr. Perry received?
24		he was, and towards the end of our visit, he like	24	A	No.
25		he was sleepy, drowsy. At this point, if he we had	25	Q	Why were you unsatisfied with that?
		Page 34			Page 36
1		to get him dressed before we left the hospital.	1	Α	Because I expected him his condition should have
2	Q	-	2		been the same as when he arrived.
3	Α	The hospital staff. Well, he wasn't his shirt was	3	Q	Had Mr. Perry done anything to anger or upset you
4		taken off and a gown was placed on him.	4		during the period that you had transported him to the
5	Q	Then when you left the hospital, how did he need to be	5		hospital and while you were monitoring him in the
6		dressed?	6		emergency room?
7	Α	±	7	Α	No.
8	Q	1 8	8	Q	Had he taken any actions whatsoever which suggests
9		shirt, was Mr. Perry conscious or unconscious?	9		that he was resistive or combative to being in your
10	Α	It was the same thing, the same what I had told you	10		and Officer Kroes's custody?
11		before, that it's hard to I don't know if he was	11		He did not try and kick us or hit us or anything like
12		conscious or unconscious. It was the same thing I	12		that. But at the same time we were, you know I'm
13		said earlier, that he could hear us but he couldn't	13		instructing him to put your shoes on, put your shirt
14	_	give us a direct response.	14		on, and he just he couldn't do it.
15	Q	1 1	15	Q	After your conversation with the doctor where you
16		Perry put on his own shirt or put on his own shoes?	16		expressed your elevated concern and demanded that he
17	A		17		provide some explanation as to the treatment that Mr.
18	Q	=	18		Perry had received, was Officer Kroes engaged in this?
19	A	Not verbally.	19		Was he asking questions as well?
20	Q	How did he respond?	20		He was standing next to me.
21	A	2, r	21	Q	At the end of the conversation where the doctor
22		put his hands and arms in it, and was, I guess you	22		responded to your inquiries and you were not
23		could say, trying to put the shirt on, but it yeah,	23		satisfied, did you tell the doctor you were not
24 25	Q	he couldn't. Did Mr. Perry remain cuffed during this one hour time	24	Α.	satisfied?
/5	٠,	Did wall forty temain curred during this one notif time	25	Α	I did not specifically. I didn't use that verbiage

10 (Pages 37 to 40)

that I wasn't satisfied. Q So was the doctor telling you he's going to be discharged? A Yes. Q And your response was, "He's worse. We don't understand why he's worse. He should be better," or words to that effect? A I - Yes. Q Did the doctor give you any discharge instructions, saying, "Well, he should be monitored for X, Y, Z. If 10 he gets worse, bring him back," things of that nature? He gave Mr. Perry, he had told me that it was just from the medication that they gave him, it was going to make him sleepy, and that he could sleep it off on a bench. Q Did the doctor ever express to you during the course of this conversation that he believed Mr. Perry was faking his conditions? A No. Q Did the doctor ever express to you during the course of this conversation that he believed Mr. Perry was faking his conditions? A No. Q Did you or Officer Kroes during the course of this conversation tell the doctor, "We believe Mr. Perry is conversation that he believed Mr. Perry was faking his conditions? A No. A No. Q What happened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation why the wash the endities to the fact that we want to the ended with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A No. A Wash thappened after the conversation with the doctor ended? A			Daga 27	_	_	D 20	1
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25 A After offering that if we wanted to so that he 25 better medical supervision being taken directly to CJF	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q A	faking his condition"? No. What happened after the conversation with the doctor ended? He, after the when he had told us it was the medication that we just gave him making him sleepy, he offered he basically had told us he's still going to be discharged, and if we wanted to, we could stay there a little bit longer with Mr. Perry so that he could rest. And did you do that? After the yes, we did. We did stay there longer. How much longer? At least a half an hour. And during that 30 more minutes, did you closely monitor Mr. Perry? I was right there. I never left the room. I was right there. Did he appear to be getting better or worse, in your opinion? It was the same. Did hospital staff continue to check in on him? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A	what we were seeing at the hospital. Which was what? I explained to the supervisor that his condition, it wasn't the same as when we first got there, and that I asked if we could take him to the Criminal Justice Facility instead of taking him to the Prisoner Processing Section. Did you express concern to Lieutenant Robbins that Mr. Perry seemed to be worse than when he went to the emergency room? I didn't specifically say that it was worse, but I let him know that he — I had specifically told Lieutenant Robbins that he couldn't — he can't — he couldn't walk. He — I let him know that we had to get him dressed. Did you express any other concerns to Lieutenant Robbins at that time? No. Why did you request permission of your supervising lieutenant to take Mr. Perry directly to the CJF? I, with his condition being different, I thought it would be — basically, I wanted him to be monitored by a nurse, a registered nurse.	

11 (Pages 41 to 44)

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		Page 41			Page 43
1		as opposed to being returned to the Prisoner	1		did you have any further contact with medical staff?
2		Processing Section?	2	Α	- ·
3	A	8	3	Q	3
4	Q		4		Perry? Did you receive those or Officer
5	A		5	A	The paperwork?
6	Q		6	Q	Yes.
7		Mr. Perry to another hospital for further evaluation?	7	Α	P P
8	A	*	8	Q	When you received the paperwork, which would include
9	Q	, ,	9		discharge instructions for Mr. Perry, did a nurse or a
10 11		hospital to another hospital in the event you're	10		doctor say anything about what to look out for as it
12	А	unsatisfied with their condition upon discharge?	11		relates to Mr. Perry's condition?
13	A	No, we're not discouraged. I've never encountered a	12	A	I don't remember a specific nurse or doctor telling me
1		situation where if we felt that the prisoner wasn't	13		the exact words, but I remember looking at the
14 15		given the proper treatment, I've never been faced with	14		paperwork and it said if his condition changed, to
16	Λ	that position. But, no, we're not discouraged.	15	_	bring him back to the hospital.
17	Q	F	l	Q	2
18		and expressions that Mr. Perry could not walk, that he was unable to dress himself, that he was in worse	17 18	A	I I don't know.
19		condition than when he had shown up at the emergency	1	Q	Was he able to hold his head up at that point in time?
20		room?	19 20	A Q	I don't remember if he was holding his head up. Do you know if he was conscious or unconscious?
21	Α	Lieutenant Robbins was it sounded like he was	21	A	
22		looking at some paperwork, I'm assuming probably to	22	11	change. It was still the same. He wasn't it was
23		see where exactly he was in the arrest process, and he	23		the same.
24		informed me that he had to come back to the Prisoner	24	Q	He wasn't bleeding from anywhere.
25		Processing Section. His paperwork wasn't complete yet	ļ .	Ā	No.
1		Trocossing Section, 1115 paper work wasn't complete yet		Α.	NO.
			20	Α.	
		Page 42			Page 44
1		Page 42 for enough for us to transport him over to the	1	Q	Page 44 He hadn't urinated or defecated on himself yet.
1 2	0	Page 42 for enough for us to transport him over to the Criminal Justice Facility.	1 2	Q A	Page 44 He hadn't urinated or defecated on himself yet. No.
1 2 3	Q	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your	1 2 3	Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see,
1 2 3 4	Q	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so	1 2 3 4	Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right?
1 2 3	Q	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing	1 2 3 4 5	Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct.
1 2 3 4 5	•	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff?	1 2 3 4	Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true?
1 2 3 4 5	•	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no.	1 2 3 4 5	Q A Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct.
1 2 3 4 5 6	A	Page 42 for — enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no.	1 2 3 4 5 6 7	Q A Q A Q A	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with
1 2 3 4 5 6 7	A	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no. Lieutenant Robbins said, "You have to bring him back	1 2 3 4 5 6 7 8	Q A Q A Q A	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with breathing up to that point in time?
1 2 3 4 5 6 7 8	A	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no. Lieutenant Robbins said, "You have to bring him back because we don't have the paperwork complete," or words to that effect? Correct.	1 2 3 4 5 6 7 8	Q A Q A Q A	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with breathing up to that point in time?
1 2 3 4 5 6 7 8 9	A Q	Page 42 for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no. Lieutenant Robbins said, "You have to bring him back because we don't have the paperwork complete," or words to that effect? Correct.	1 2 3 4 5 6 7 8 9	Q A Q A Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with breathing up to that point in time? No.
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no. Lieutenant Robbins said, "You have to bring him back because we don't have the paperwork complete," or words to that effect? Correct. Do you recall Lieutenant Robbins giving you any other instruction? No. What happened next? Me and Officer Kroes, we finished dressing him, put him in a wheelchair, we took him out to our squad. When you put Mr. Perry in the wheelchair, did he appear to be able to ambulate on his own? No. Tell me what the transfer process was to get Mr. Perry in the wheelchair. Basically, me and Officer Kroes he wasn't able to	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with breathing up to that point in time? No. Had he said anything to the extent that somebody was trying to kill him or hurt him? No. Were additional officers assigned to transport Mr. Perry back to PPS? There were more officers. It was from Yes, there were more officers to help transport Mr. Perry back to Prisoner Processing Section. Did they show up at the emergency room? No. Tell me how Mr. Perry was transferred to the squad from the wheelchair. Me and Officer Kroes pretty much put him in there. We
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q	for enough for us to transport him over to the Criminal Justice Facility. Did you express to Lieutenant Robbins that your purpose for getting Mr. Perry directly to CJF was so he could have closer medical supervision by nursing staff? I didn't specifically, no. Lieutenant Robbins said, "You have to bring him back because we don't have the paperwork complete," or words to that effect? Correct. Do you recall Lieutenant Robbins giving you any other instruction? No. What happened next? Me and Officer Kroes, we finished dressing him, put him in a wheelchair, we took him out to our squad. When you put Mr. Perry in the wheelchair, did he appear to be able to ambulate on his own? No. Tell me what the transfer process was to get Mr. Perry in the wheelchair. Basically, me and Officer Kroes he wasn't able to get in a wheelchair on his own.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q	Page 44 He hadn't urinated or defecated on himself yet. No. He had no signs of visible injury that you could see, right? Correct. He hadn't started spitting yet, true? Correct. Had he made any complaints of difficulty with breathing up to that point in time? No. Had he said anything to the extent that somebody was trying to kill him or hurt him? No. Were additional officers assigned to transport Mr. Perry back to PPS? There were more officers. It was from Yes, there were more officers to help transport Mr. Perry back to Prisoner Processing Section. Did they show up at the emergency room? No. Tell me how Mr. Perry was transferred to the squad from the wheelchair.

12 (Pages 45 to 48)

1					12 (Pages 45 to 48)
		Page 45			Page 47
1	Α	Not 100 percent.	1	A	Yes, I did.
2	Q	Did you instruct him to get into the vehicle?	2		And when you belted him, was he responsive to any
3	A	I did.	3	_	movements that you made?
4	Q	And what was his response?	4	A	I put the seatbelt on him and
5	A	I was asking him to because he wasn't really	5	Q	
6		offering to help us get him in the chair, so I asked	6	À	
7		him, "Can you stand up? Stand up."	7	Q	
8	Q		8	•	flail his arms or his legs, correct?
9		this time?	9	Α	_
10	Α	No.	10	Q	
11	Q	Did Officer Kroes tell you that he thought Mr. Perry	11	À	• •
12	`	was faking any of his conditions at this time?	12	Q	
13	Α		13	Ā	
14	0		14	Q	
15	V	his condition at this time.	15	Ų	shape, or form when you were belting him into the back
16	Δ	It's not How can you There's no It doesn't	16		of the squad?
17	Α	matter if, I mean	17	A	=
18	Q	,	18	A	
19		I'm not a doctor. I mean, who am I to say if he's	19	Q	^
20	Λ	faking or not?	20	A	
21	Q	-	1	Q	9
22	Q	correct?	21		squad during that conveyance?
23	٨	Yeah.	22	A	I can't No. And that's only because I can't
24	_		23		remember who drove the squad car. So I'm assuming
25	Q A	And you saw his condition deteriorate, correct? Yeah. It changed.	24 25		whoever would have drove, the other person would have
<u> </u>	л		2.0		specifically looked at him or monitored Mr. Perry.
		Page 46			Page 48
1	Q	It changed while he was at the emergency room. And	1	Q	Up until this point in time in your deposition
2		based on your observations, you didn't believe he was			Mm-hmm.
3		The same of the state of the st	2	A	IVAIN-INIIII.
		faking any of his conditions, correct?	3	A Q	
4	A	· · · · · · · · · · · · · · · · · · ·	1	_	
4 5	A Q	faking any of his conditions, correct? Correct.	3	_	has there been any suggestion that you're aware of,
1	_	faking any of his conditions, correct? Correct.	3 4	_	has there been any suggestion that you're aware of, by anybody involved in this lawsuit, that Mr. Perry
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5 6	Q	faking any of his conditions, correct? Correct. Did somebody at the emergency room tell you that Mr. Perry was faking his condition?	3 4 5 6	Q	has there been any suggestion that you're aware of, by anybody involved in this lawsuit, that Mr. Perry was faking his condition at the emergency room or upon his discharge? No.
5 6 7	Q	faking any of his conditions, correct? Correct. Did somebody at the emergency room tell you that Mr. Perry was faking his condition? No.	3 4 5 6 7	Q A	has there been any suggestion that you're aware of, by anybody involved in this lawsuit, that Mr. Perry was faking his condition at the emergency room or upon his discharge?
5 6 7 8	Q	faking any of his conditions, correct? Correct. Did somebody at the emergency room tell you that Mr. Perry was faking his condition? No. Never heard a nurse say, "He's fine. He's faking," or	3 4 5 6 7 8	Q A Q	has there been any suggestion that you're aware of, by anybody involved in this lawsuit, that Mr. Perry was faking his condition at the emergency room or upon his discharge? No. So that term, "faking it," is not something that
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q	faking any of his conditions, correct? Correct. Did somebody at the emergency room tell you that Mr. Perry was faking his condition? No. Never heard a nurse say, "He's fine. He's faking," or words to that extent? No. When Mr. Perry was put in the back of the squad, was he cuffed? He would have been hand I can't remember specifically if he was handcuffed in the back or in the front. But his hands were cuffed. Mm-hmm. Yes. Yes. And then when he was put in the back of the squad, was he belted? Yeah. Was he able to belt himself?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A	has there been any suggestion that you're aware of, by anybody involved in this lawsuit, that Mr. Perry was faking his condition at the emergency room or upon his discharge? No. So that term, "faking it," is not something that you've heard up until your deposition? Correct. How much time elapsed from conveying Mr. Perry from the emergency room back to PPS? Few minutes. Short trip? Yeah. Yes. And then you arrived at PPS. Did you remain in the squad for a period after getting back to PPS? Yes. For how long? A couple minutes. We were waiting for the other officers to respond so that we could get him from the garage upstairs to the fifth floor.

13 (Pages 49 to 52)

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		Page 49			Page 51
1	Q	Was he moaning or groaning in pain?	1		transport from the hospital to the garage, it was
2	Ā		2		it didn't change as far as what he wasn't really
3	Q	Was he calling out for help in any way?	3		assisting us to we had to do everything for him.
4	À	No.	4	Q	
5	Q	Was he complaining of difficulty breathing?	5	`	back to PPS, did you have any discussion about, "He
6	À		6		just doesn't seem right. He shouldn't have been
7	Q	Had he urinated or defecated on himself during the	7		released. We should take him right to CJF," anything
8		conveyance process?	8		of that nature?
9	Α	I did not see any No. Once we arrived at the	9	Α	Again, that Discussing about how we felt he was
10		garage, no.	10		cared for or?
11	Q	You couldn't smell anything.	11	Q	Discussions about Mr. Perry as you're taking him back
12	Α	No.	12		to PPS relative to any concerns you had regarding his
13	Q	And as you were closely monitoring him, did you see	13		medical condition or his physical condition.
14	_	him bleeding from anywhere?	14	A	
15	Α	No.	15	Q	
16	Q		16	A	`_ `
17	Ā		17	Q	• •
18	Q	Had he become combative or resistive while in the back	18	•	driven back to PPS, any discussion between you and
19	_	seat during the conveyance?	19		Officer Kroes?
20	Α	No.	20	Α	I can't remember.
21	Q	As you waited in the garage for several minutes for	21	Q	
22		additional officers, did Mr. Perry's condition change?	22	`	showed up to remove Mr. Perry from the vehicle, did
23	Α		23		you express to them any of the concerns you had
24	Q	When the other officers showed up, do you recall who	24		previously regarding discharge from the emergency
25		they were?	25		room?
		moy work.	20		room:
		Page 50 -	20		
		Page 50 -		A	Page 52
1	_	Page 50 - I remember two officers.	1	A	Page 52 No.
	A Q	Page 50 - I remember two officers. And when they showed up, was there any discussion	1 2	A Q	Page 52 No. Any particular reason why you didn't express concerns
1 2	_	Page 50 - I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer	1 2 3		Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr.
1 2 3	Q	Page 50 - I remember two officers. And when they showed up, was there any discussion	1 2	Q	Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad?
1 2 3 4	Q	Page 50 - I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer Kroes, and the two supporting officers? No.	1 2 3 4 5	Q	Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad? I basically had told them that they were there to help
1 2 3 4 5	Q A	Page 50 - I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer Kroes, and the two supporting officers?	1 2 3 4	Q A	Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad? I basically had told them that they were there to help us carry him from the squad to the hospital.
1 2 3 4 5 6	Q A	Page 50 - I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer Kroes, and the two supporting officers? No. Did they ask any questions about Mr. Perry's condition?	1 2 3 4 5 6 7	Q	Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad? I basically had told them that they were there to help us carry him from the squad to the hospital. Carry him from the squad to PPS, you mean?
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1 2 3 4 5 6 7 8 9 100 111 122 133 144 155 166 177 188 19 20 21 22 23	Q A Q A Q A Q A Q	Page 50 I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer Kroes, and the two supporting officers? No. Did they ask any questions about Mr. Perry's condition? They had asked where we had came from, and I told them the hospital. Was there any delay in then removing Mr. Perry from the back of the squad? No. And how was Mr. Perry removed from the back of the squad? Each officer kind of took an arm or a leg, and we physically picked him up. Did any officer direct Mr. Perry to exit the vehicle on his own? No. Was it apparent, at least to you, that Mr. Perry was not going to be able to exit the vehicle under his own power? Yes.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q	No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad? I basically had told them that they were there to help us carry him from the squad to the hospital. Carry him from the squad to PPS, you mean? Yes. Do you need to take a break? Yes. Okay. Let's take a break. Why don't we take is five minutes enough? Yeah, that's fine. Okay. THE REPORTER: Off the record. (Off the record 11:33 - 11:45) THE REPORTER: We're back on the record. BY MR. GENDE: Officer Jacks, we're now at the point where four officers are carrying Mr. Perry into PPS, correct? Correct. An elevator had to be taken up to the Prisoner Processing Section, correct?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q	Page 50 I remember two officers. And when they showed up, was there any discussion about Mr. Perry's condition between you, Officer Kroes, and the two supporting officers? No. Did they ask any questions about Mr. Perry's condition? They had asked where we had came from, and I told them the hospital. Was there any delay in then removing Mr. Perry from the back of the squad? No. And how was Mr. Perry removed from the back of the squad? Each officer kind of took an arm or a leg, and we physically picked him up. Did any officer direct Mr. Perry to exit the vehicle on his own? No. Was it apparent, at least to you, that Mr. Perry was not going to be able to exit the vehicle under his own power?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q	Page 52 No. Any particular reason why you didn't express concerns to those assisting POs that showed up to remove Mr. Perry from the squad? I basically had told them that they were there to help us carry him from the squad to the hospital. Carry him from the squad to PPS, you mean? Yes. Do you need to take a break? Yes. Okay. Let's take a break. Why don't we take is five minutes enough? Yeah, that's fine. Okay. THE REPORTER: Off the record. (Off the record 11:33 - 11:45) THE REPORTER: We're back on the record. BY MR. GENDE: Officer Jacks, we're now at the point where four officers are carrying Mr. Perry into PPS, correct? Correct. An elevator had to be taken up to the Prisoner

14 (Pages 53 to 56)

			_		14 (Pages 33 to 36)
		Page 53			Page 55
1		had increasing concern for Mr. Perry's health and	1	Α	Once Yeah, when he was we had him seated on the
2		welfare during his stay at the emergency room,	2		floor, I smelled some - yeah. I
3		correct?	3	Q	But listen to the question. From the time that he was
4	Α	Yes.	4		removed from the vehicle, carried to the elevator,
5	Q		5		went up the elevator, and then was brought into PPS,
6		to PPS, true?	6		do you know if he had urinated or defecated on
7	_	Correct.	7		himself?
8	Q	¥	8	A	I do not know the exact point when he urinated or
9		officers that assisted in bringing Mr. Perry into PPS,	9		defecated on himself, but once the expectorant shield,
10		correct?	10		had asked for that, I noticed that his, yeah, his
11		Correct.	11	_	pants were wet.
12	Q	Did you express that concern to any officers or	12	Q	We'll get to the expectorant shield.
13		supervisors once Mr. Perry was in the Prisoner	13	A	Okay.
14		Processing Section?	14	Q	I'm just talking about a very specific time period.
15		No.	15	A	Okay.
16	Q	Did you hear Officer Kroes express any of the concerns	16	Q	So as you were coming up in the elevator
17		that you also had to either the officers that assisted	17	A	Mm-hmm.
18		in bringing Mr. Perry into PPS or anybody in PPS once	18	Q	had Mr. Perry urinated or defecated on himself?
19		Mr. Perry was up there?	19		Did you smell anything?
20	_	No, I did not.	20	A	No.
21	Q		21	Q	Did you see anything?
22		understand it?	22	A	No.
23	_	Yes.	23	Q	Did you see any blood on his mouth, his ear, his
24	Q		24		shirt, near his groin area?
25		brought back into PPS and before he was put into cell	25	Α	No.
		Page 54			Page 56
1		A3?	1	Q	Was he complaining of difficulty breathing?
2	A	Yes.	2	A	I remember him yelling, he said, "Help me."
3	Q	And why did you do that?	3	Q	
4	Α	• •	4	Α	Okay. No.
5	Q	So you were not relieved from your assignment to hold	5	Q	So when he was coming up in the elevator, he was not
6		Mr. Perry in custody and monitor him up until he was	6		complaining of difficulty breathing.
7		put into cell A3?	1 _		1 0
8		•	7	Α	I do not remember hearing him verbally say that he
i	A	I'm sorry. Can you repeat that?	7 8	A	· · · · · ·
9	A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr.	i		I do not remember hearing him verbally say that he
9 10		I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into	8	Q	I do not remember hearing him verbally say that he couldn't breathe.
9 10 11	Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3?	8 9 10 11	Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You
9 10 11 12	Q A	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct.	8 9 10 11 12	Q A Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"?
9 10 11 12 13	Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he	8 9 10 11 12 13	Q A Q A	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No.
9 10 11 12 13 14	Q A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he entered PPS.	8 9 10 11 12 13	Q A Q A Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No. Okay. Wasn't calling to God for assistance, correct?
9 10 11 12 13 14 15	Q A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he entered PPS. Once we had got him up to PPS, his condition was still	8 9 10 11 12 13 14 15	Q A Q A Q A	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No. Okay. Wasn't calling to God for assistance, correct? On the elevator, no.
9 10 11 12 13 14 15 16	Q A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he entered PPS. Once we had got him up to PPS, his condition was still the same, which I described earlier, with the as	8 9 10 11 12 13 14 15 16	Q A Q A Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No. Okay. Wasn't calling to God for assistance, correct? On the elevator, no. And from the moment he exited the elevator until he
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9 10 11 12 13 14 15 16 17 18 19	Q A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he entered PPS. Once we had got him up to PPS, his condition was still the same, which I described earlier, with the as far as being that he could hear us but couldn't give us a direct response. It was still like that. We had him he was sitting on the ground with his legs	8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No. Okay. Wasn't calling to God for assistance, correct? On the elevator, no. And from the moment he exited the elevator until he sat or was positioned on the ground, had any of those conditions changed? Do you want me to run through them again?
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9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q	I'm sorry. Can you repeat that? You were not relieved of your assignment to keep Mr. Perry in custody and monitor him until he was put into cell A3? Correct. Tell me how Mr. Perry's condition changed once he entered PPS. Once we had got him up to PPS, his condition was still the same, which I described earlier, with the as far as being that he could hear us but couldn't give us a direct response. It was still like that. We had him he was sitting on the ground with his legs extended out in front of him, and now this is I see saliva, spit, coming out of his mouth. Let me ask you this way. When you and three other	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q	I do not remember hearing him verbally say that he couldn't breathe. He wasn't calling out for help. I do not remember him calling out for help. He wasn't saying words to the effect that "You officers are killing me," or, "You're killing me"? No. Okay. Wasn't calling to God for assistance, correct? On the elevator, no. And from the moment he exited the elevator until he sat or was positioned on the ground, had any of those conditions changed? Do you want me to run through them again? Right. Okay. Had he uri So now you're asking about his condition once he's off

15 (Pages 57 to 60)

				15 (Pages 57 to 60)
	Page 57			Page 59
1	A Mm-hmm.	1	Α	I do not remember how his head was while we were
2	Qdo you know if he'd urinated or defecated himself?	2		carrying him.
3	A Once he was sitting on the ground, yeah, I knew that	3	Q	Do you know if he was conscious or unconscious?
4	it was yeah, he had urinated or defecated.	4	Ā	and the second s
5	Q Was he bleeding from any portion of his body?	5	Q	It hadn't changed since sometime during the emergency
6	A I did not see any blood.	6		room until you arrived at PPS, correct?
7	Q Was he, at the moment he sat down or was put down on	7	Α	His condition was the same from when we left the
8	the ground, complaining of difficulty breathing?	8		hospital to when we arrived at PPS, the same where he
9	A I do not remember him complaining that he couldn't	9		was the same thing, where he could hear us but he
10	breathe.	10		couldn't give me a direct response.
11	Q Was he calling out for help either to God or anybody?	11	Q	He's nonresponsive. Nonresponsive to verbal commands?
12	A I remember him once saying, asking, "Help me."	12	Α	Correct.
13	Q When he was brought into PPS, was an expectorant	13	Q	Nonresponsive to verbal inquiries?
14	shield immediately applied or was that done at some	14	Α	Correct.
15	point later?	15	Q	Before he was placed in cell A3, did you hear any
16	A At some point later.	16		officers ask him, ask Mr. Perry if he needed medical
17	Q And when you assisted with three other officers in	17		assistance?
18	carrying Mr. Perry into PPS, was he able to walk of	18	Α	No.
19	his own accord?	19	Q	Did you hear any officers provide I'm sorry. Did
20		20		you hear any officers offer medical assistance to Mr.
21	1	21		Perry?
22	,	22	A	No.
23	`	23	Q	Did you hear any officers offer to remove Mr. Perry's
24	, , , , , , , , , , , , , , , , , , , ,	24		clothing that had feces and urine on it?
25	head was positioned while we were carrying him.	25	A	No.
	Page 58			Page 60
1	Q So his back was facing the ground?	1	Q	From the moment that you helped carry Mr. Perry into
2	A Correct.	2		PPS until he was put on the floor of cell A3, did you
3	Q And one officer was on each appendage: a leg, a leg,	3		hear any officers offer Mr. Perry comfort or
4	an arm, an arm?	4		reassurances?
5	A Correct.	5	_	No.
6	Q And so was Mr. Perry able to hold his head up, or was	6	Q	Did you hear Lieutenant Robbins speak to Mr. Perry or
7 8	it leaning towards the ground? A I don't know how his head was positioned while he was	7		yell at Mr. Perry?
9	· · · · · · · · · · · · · · · · · · ·	8		No.
10	being carried to the cell. Q Did he appear conscious or unconscious at that time?	9 10	Ų	Did you hear Officer Bungert tell or say anything to Mr. Perry?
11		11	٨	
12	- I	12	Α	I remember Officer Bungert asking him if he'd pooped his pants.
13	-	13	Q	•
14		14		I can't remember if he replied or what he said.
15	I I	15	Q	
16		16	`	compression hold to Mr. Perry?
17		17	A	No.
18	Qand going to the sitting position.	18	Q	Did you hear Officer Kroes tell Mr. Perry, "If you're
19	- I	19		talking, you're breathing," or words to that effect?
20	- 1	20	A	No.
21	i	21	Q	Did you hear Mr. Perry complain of difficulty
1 22	** *	22		breathing?
22	O Okey And do you know if his head was looned heak	23	A	I No, I do not remember hearing that.
23			_	
•	towards the ground, was he able to hold it up under	24 25	Q	Did you become nauseous and vomit at some point? After Mr. Perry was placed in the — yes.

16 (Pages 61 to 64)

_					16 (Pages 61 to 64)
		Page 61			Page 63
1	Q	After he was placed in cell A3?	1	Α	Not thoroughly.
2	À	Mm-hmm.	2	Q	
3	Q	Is that a yes?	3	_	I do not know.
4	À	Yes.	4	Q	Where was Officer Kroes when you handed the discharge
5	Q	And what caused your nausea and vomiting?	5	•	instructions to Lieutenant Robbins?
6	A	The smell of feces and Officer Kroes had sprayed Lysol	6	Α	I can't remember.
7		all over his handcuffs.	7	Q	Was he standing by your side?
8	Q		8	A	I don't remember seeing him. I don't know where he
9	~	see anybody at PPS offer him help?	9		was.
10	Α	No.	10	Q	
11	0	Before Mr. Perry was placed into cell A3, did you see	11	•	monitor Mr. Perry at any level based on the concerns
12	`	him bleeding from anywhere on his body?	12		you had dating back to your period with Mr. Perry in
13	Α	No.	13		the emergency room?
14	0		14	Ä	I did not I did not tell her to specifically
15	V	placed into cell A3?	15	А	that was her job for the day, so I don't under She
16	Δ	He did.	16		would She should know. It doesn't matter. If
17		He was cuffed at his arms and shackled at his legs?	17		
18		I don't remember if he was shackled, but, yeah, he was	18		she's assigned to keep an eye on prisoners, I shouldn't have to tell her to do that.
19	л	still cuffed and he had the expectorant shield.	19	Λ	
20	Q		20		Keep an eye on him? Yeah.
21	Q	inmate providing a statement to investigating	21		
22		detectives that Mr. Perry was dropped on his head	22	Ų	You didn't express any of your concerns to her about Mr. Perry's condition, correct?
23		before he went into cell A3?	23	Λ	Other than telling her that we came just came from
24	Δ	I did hear something to that effect, but I don't I	24	л	the hospital.
25	21	can't remember exactly how.	25	Q	What did you observe of Mr. Perry before the cell door
				~	
		Page 62			Page 64
1	Q	Other than the inmate's report to the detective who	1		to A3 was closed, if anything?
2		was investigating Mr. Perry's death on the night in	2	Α	Just that he was starting there was spit coming out
3		question, other than that inmate saying Mr. Perry was	3		of his mouth.
4		dropped on his head before he was put in cell A3, are	4	Q	Through the expectorant shield?
5		you able to give me any information as to what other	5	Α	No. While he was sitting on the well, while we had
6		action may have caused Mr. Perry's blood that was	6		him sitting on the floor is when I started noticing
7		found on his spit mask, on the expectorant shield?	7		like spit coming out.
8	A	No.	8	Q	Was it bloody?
9	Q	Did you advise strike that. Do you know Officer	9	A	No.
10		Diaz-Berg?	10	Q	And when you say you noticed spit coming out, was that
11	A	Through work, yes.	11		before the expectorant shield was put on?
12	Q	Did you know that she was assigned to monitoring	12	A	
13		inmates in the cells on the evening in question?	13	Q	And then once he was placed in the cell, the handcuffs
14	A	No.	14		were removed, right?
15	Q	When you got to PPS, did you have any discussions with		A	Correct.
16		Lieutenant Robbins?	16	Q	The leg shackles were removed, correct?
17		Other than giving him his discharge paperwork? That	17	A	Everything was taken off.
18	_	was it.	18	Q	Do you specifically remember the expectorant shield
19	Q	When you provided Lieutenant Robbins Mr. Perry's	19		being removed? Because let me tell you before you
20		discharge paperwork, did you advise Lieutenant Robbins	20		answer that question, and I'll go through the police
21		of what Mr. Perry should be monitored or observed for	21		reports every other officer says that the
22		while he remained at PPS?	22		expectorant shield remained on.
23		I did not specific - No, I did not tell him	23	Α	I don't remember him being the shield being taken
24		specifically what he should be monitored for.	24	_	off.
25	Q	Did you read the discharge instructions?	25	Q	Okay. I'm going to show you what we've previously

17 (Pages 65 to 68)

		Page 65			Page 67
1		marked as Exhibit No. 34. Have you seen this document	1	Q	On the next page of Diaz-Berg's statement, the second
2		before? It's a statement taken of Tyrone Evans by one	2	_	paragraph from the top, "Diaz-Berg stated that a short
3		of the investigating detectives?	3		time later Perry was taken out of his cell with his
4	Α	I was shown it, but I don't remember the specific	4		hands placed behind his back, handcuffed, ankle
5		details.	5		shackles, and the spit mask still on his face, being
6	Q	On the second page of this exhibit, Tyrone Evans	6		escorted from the cell by both arms." Do you have any
7	_	quotes or states, "Related once the officers got to	7		reason to dispute that his spit mask was still on when
8		the cell door, he observed the officer on the right	8		he was removed from the cell?
9		side of the male dropped the male, causing him to fall	9	Α	I wasn't there when he was removed from the cell.
10		on the face fall on the floor and hit his face."	10	0	_
11		That's the first paragraph?	11	`	by Officer Diaz-Berg?
12	A	Okay.	12	Α	I don't know what she saw. I wasn't there when he was
13	0	-	13		taken out of the cell.
14	`	before today?	14	Q	
15		MS. LAPPEN: Objection as to form. Vague.	15	V	30, statements of Milwaukee police officers given to
16		But go ahead and answer.	16		investigating detectives, and I'd like you to look at
17	Α	I'm sorry. Can you rephrase that?	17		the last page of that statement.
18		BY MR. GENDE:	18	Α	
19	0	Do you recall seeing this information before today?	19	Q	-
20	A		20	Q	to last paragraph, "There was confusion of what cell
21		the I don't remember the specific details.	21		to place Perry. For ten minutes, Perry was held by
22	0	•	22		Kroes, Jacks, Bungert, Santiago, and Ayala." Do you
23	~	Perry was dropped on his face before being put in the	23		recall that happening?
24		cell?	24	Α	The I believe it really wasn't confusion. I think
25	A		25	А	they were trying to figure out if they wanted to put
		Page 66			Page 68
1		Page 66 was dropped on a prisoner was dropped on his head,	1		Page 68 him back in the male holding area or in a single cell.
2		Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something	1 2	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They
2 3		Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that.	1 2 3	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed,
2 3 4	Q	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned?	1 2 3 4	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes
2 3 4 5	A	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No.	1 2 3 4 5	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell.
2 3 4 5	-	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No. I'm going to show you what we've marked as Exhibit No.	1 2 3 4 5 6	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell. Kroes departed the cell area. He heard the cell door
2 3 4 5 6 7	A	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No. I'm going to show you what we've marked as Exhibit No. 36. This is more statements taken of Milwaukee police	1 2 3 4 5 6	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell. Kroes departed the cell area. He heard the cell door shut." Any reason to dispute that only the handcuffs
2 3 4 5 6 7 8	A	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No. I'm going to show you what we've marked as Exhibit No. 36. This is more statements taken of Milwaukee police officers by investigating detectives, and on the	1 2 3 4 5 6 7 8	Q	Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell. Kroes departed the cell area. He heard the cell door shut." Any reason to dispute that only the handcuffs and leg shackles were removed when Mr. Perry was
2 3 4 5 6 7 8 9	A	Page 66 was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No. I'm going to show you what we've marked as Exhibit No. 36. This is more statements taken of Milwaukee police officers by investigating detectives, and on the second page, towards the bottom, Officer Diaz-Berg	1 2 3 4 5 6 7 8 9		Page 68 him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell. Kroes departed the cell area. He heard the cell door shut." Any reason to dispute that only the handcuffs and leg shackles were removed when Mr. Perry was placed in cell A3?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q	was dropped on a prisoner was dropped on his head, yeah, I would have been questioned about something like that. Do you recall being questioned? No. I'm going to show you what we've marked as Exhibit No. 36. This is more statements taken of Milwaukee police officers by investigating detectives, and on the second page, towards the bottom, Officer Diaz-Berg states, "That at this point, for Perry's safety, the decision was made to put Perry in cell A3 that has no bed and only a toilet for Perry's safety." Do you see where I read that, at the bottom of the page? The last paragraph, or one up? Yeah. Correct. Diaz-Berg, "Stated that Perry had the handcuffs and ankle shackles taken off, but the spit mask was left on as Perry was placed into a cell." Okay. Do you have any reason to dispute her recollection of that event? When he was placed in his cell and we picked him up, put him in there, he still had the cuffs, the	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A	him back in the male holding area or in a single cell. The investigating off or detective then notes, "They carried him upright to a cell. He was unhandcuffed, unshackled, and searched. Someone from PPS gave Kroes his handcuffs and told him to get out of the cell. Kroes departed the cell area. He heard the cell door shut." Any reason to dispute that only the handcuffs and leg shackles were removed when Mr. Perry was placed in cell A3? No. Based on this information? Okay. I'm going to show you what we've marked as Exhibit No. 51. Do you know Officer Salinsky? Yes. He gave a statement to investigating detectives, and I'd like you to look at, in the lower right-hand corner, there's a Bates stamp, it says 9465. What page? 9465. Lower right-hand corner? No. I'm asking you what page on here. Page Page 3 of 4. Oh.

18 (Pages 69 to 72)

		1		
	Page 69			Page 71
1	you, "Police Officer Salinsky stated that Perry, upon	1	Q	Okay. And now have you read the whole paragraph?
2	his arrival, already had a spit mask on, but the spit	2	Α	
3	mask was on the back of his neck at the time he	3	Q	Okay. Let's take a moment to read it. We'll go off
4	arrived." Do you see where I'm reading?	4		the record.
5	A "walking Perry" Yes.	5		THE REPORTER: Off the record.
6	Q It continues, "Police Officer Salinsky stated that one	6		(Off the record 12:12 - 12:13)
7	of the officers he believed to be Police Officer	7		THE REPORTER: We're back on the record.
8	Ayala, during the handcuffing, did put the spit mask	8		BY MR. GENDE:
9	on properly in front in an attempt to keep Perry from	9	Q	Okay. Officer, now you've had a chance to read the
10	spitting at officers. Police Officer Salinsky stated	10		paragraph in full that I'm referring to, right?
11	that officers then stood up Perry."	11	A	
12	A What page I'm sorry. What	12	Q	Were you present when Mr. Perry was removed from A3?
13	Q That was the next sentence. Do you see where I read	13	Α	No.
14	that?	14	Q	Officer Salinsky, as part of his recitation of events,
15	A Unh-unh. I'm sorry. No. You're on page 4, or 3 of	15		states that when Mr. Perry was removed from A3, his
16	4?	16		spit mask was still on, correct?
17	Q Three of four.	17	Α	According to this paragraph, yes.
18	A Mm-hmm.	18	Q	But had to be repositioned so it would actually do the
19	Q And I read into the record the sentence starting with,	19		job it was supposed to do, right?
20	"Police Officer Salinsky stated that Perry, upon his	20	Α	I wasn't there. I don't know what his I wasn't
21	arrival, already had a spit mask on." It's about	21		there for for this part of this. I
22	halfway down, three-quarters of the way down that	22	Q	Do you have any information or evidence as we sit here
23	fourth paragraph.	23		today that would contradict Officer Salinsky's
24	MR. JONES: The big paragraph in the middle	24		recitation that Mr. Perry still had his spit mask on
25	of the page.	25		when he was being removed from cell A3?
	Page 70			Page 72
1	A Oh. Here we go. "stated that when he	1	A	No.
2	arriveddid show himPerry was walked."	2		(Exhibit 76 identified)
3	MR. GENDE: Let's go off the record for a	3	Q	
4	moment.	4		
_		-		76, which are policies and procedures as it relates to
5	THE WITNESS: Okay.	5		76, which are policies and procedures as it relates to prisoners, specifically SOP 090, effective May 19th,
6	THE WITNESS: Okay. THE REPORTER: Off the record.			prisoners, specifically SOP 090, effective May 19th,
1	THE REPORTER: Off the record. (Off the record 12:11 - 12:11)	5	A	prisoners, specifically SOP 090, effective May 19th, 2010. Do you see that at the top?
6	THE REPORTER: Off the record.	5 6	A Q	prisoners, specifically SOP 090, effective May 19th, 2010. Do you see that at the top? Yes.
6 7 8 9	THE REPORTER: Off the record. (Off the record 12:11 - 12:11)	5 6 7	_	prisoners, specifically SOP 090, effective May 19th, 2010. Do you see that at the top? Yes.
6 7 8 9	THE REPORTER: Off the record. (Off the record 12:11 - 12:11) THE REPORTER: We're back on the record. BY MR. GENDE: Q Okay. Officer, we took a moment for you to review the	5 6 7 8	Q	prisoners, specifically SOP 090, effective May 19th, 2010. Do you see that at the top? Yes. Were you trained on these policies and procedures as
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19 (Pages 73 to 76)

1		Page 73		_	75 (Tages 10 00 10)
		_			Page 75
1		mandatory. Officers don't have the discretion to	1	Q	But the expectorant shield remained on, right?
2		ignore this, true?	2	Α	I don't remember the expectorant shield being taken
3	A	Correct.	3		off or what exactly what was done with it.
4	Q	So what this policy says is what you are required to	4	Q	I understand you may not recall, but I took the time
5		do as an officer as it relates to prisoners, right?	5		
6	Α	Correct.	6	Α	It would be the expectation, yes. They should have
7	Q	And there's a section on treatment of prisoners, and	7		take all that stuff out.
8		then it talks about physical restraint of prisoners,	8	Q	Okay. But I'm not
9		correct?	9	A	-
10	Α	Correct.	10	Q	I'm not asking if they should have taken it off.
11	Q	And there are multiple ways a prisoner can be	11	A	
12		physically restrained, true?	12	Q	I'm asking, by the other officers' accounts
13	Α	Correct.	13	Ā	
14	0	Sets forth several paragraphs as you go onto the next	14	o	
15	`	page about restraints, right?	15	~	you had no reason to dispute that as we sit here
16	Α	Correct.	16		today, true?
17	Q	One way to restrain a prisoner is through flexicuffs,	17	Α	Mm-hmm.
18	`	right?	18		Is that a yes?
19	Α	Correct.	19	A	•
20	Q		20	Q	
21	-	Correct.	21	V	of physical restraint, true?
22	Q	_	22	Δ	True.
23	Ā		23	0	<u> </u>
24	Q	<u>.</u>	24	V	says, "One, all persons in restraints of any kind
25	•	bodyguard restraint, right?	25		shall be continually monitored," true?
		Page 74			
					Page 76
1		Correct.	1		Correct.
2	Q		2		Did you continually monitor Mr. Perry once he was
3	_	Correct.	3		placed in cell A3 and continued to have an expectorant
4	Q	And these can be used individually as a restraint or	4		shield on?
5		they can be combined, right?	5	A	No.
6		Correct.	6	Q	,,,,,,,,,,
7	Q	And then there's a paragraph that talks about	7		on your concerns regarding his condition upon release
8		precautions when physical restraints are being used,			
9		- · · · · · · · · · · · · · · · · · · ·	8		from the emergency room, and secondly the fact that he
١		right?	9		from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they
10	A	right? Correct.	9 10		from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was
10 11	A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was	9 10 11		from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3?
10 11 12	A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point?	9 10 11 12	A	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be
10 11 12 13	A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes.	9 10 11 12 13	A	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3?
10 11 12 13 14	A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point?	9 10 11 12 13 14	A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes.
10 11 12 13 14 15	A Q A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes.	9 10 11 12 13 14	A Q A	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No.
10 11 12 13 14 15 16	A Q A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right?	9 10 11 12 13 14 15	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer
10 11 12 13 14 15 16 17	A Q A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes.	9 10 11 12 13 14 15 16	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually
10 11 12 13 14 15 16 17	A Q A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true?	9 10 11 12 13 14 15 16 17	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained
10 11 12 13 14 15 16 17 18	A Q A Q A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct.	9 10 11 12 13 14 15 16 17 18	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield?
10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct. And then once he was placed in cell A3, by the	9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield? No.
10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct. And then once he was placed in cell A3, by the accounts that I've read into the record of other	9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield? No. Under paragraph 2 on the third page it states,
10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct. And then once he was placed in cell A3, by the accounts that I've read into the record of other police officers, the handcuffs were removed, right?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield? No. Under paragraph 2 on the third page it states, "Members shall remain cognizant of any changes in the
10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q A	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct. And then once he was placed in cell A3, by the accounts that I've read into the record of other police officers, the handcuffs were removed, right? Yes.	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield? No. Under paragraph 2 on the third page it states, "Members shall remain cognizant of any changes in the condition of an arrestee that would require medical
10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q	right? Correct. And you would agree that Mr. Perry, while at PPS, was physically restrained with handcuffs at one point? Yes. With leg irons at one point? Yes. With an expectorant shield at one point, right? Yes. And then at one point, he had all those on, true? Correct. And then once he was placed in cell A3, by the accounts that I've read into the record of other police officers, the handcuffs were removed, right?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q	from the emergency room, and secondly the fact that he continued to have an expectorant shield on, that they needed to continually monitor Mr. Perry while he was in cell A3? Did I specifically tell them that he needed to be monitored while he was in cell 3? Yes. No. Did you hear Lieutenant Robbins or any other officer take a position that Mr. Perry should be continually monitored while he continued to physically restrained by a expectorant shield? No. Under paragraph 2 on the third page it states, "Members shall remain cognizant of any changes in the

20 (Pages 77 to 80)

Page 79 I shut optional for police officers? I A No. This is requirement, right? A Yes. I appreciate your being candid; however, my question remains. The policy and procedure that we have just read into the record—readins fright? A Yes. I appreciate your being candid; however, my question remains. The policy and procedure that we have just read into the record—readins fright? A Torrect. I a No. I shut optional or a requirement? I a No Correct. I a No Correct. I a Q You don't have any discretion into whether or not you follow that instruction. I a No Correct. I a Q For adon't have any discretion into whether or not you follow that instruction. I a No Correct. I a	1		Π		
2 A No. 3 Q That's a requirement, right? 4 A Yes. 5 Q "If medical treatment becomes necessary, member shall immediately request medical assistance by telephone or radio," right? 5 A Correct. 6 Q Is that optional or a requirement? 10 A A requirement. 11 Q You don't have any discretion into whether or not you follow that instruction. 11 Q You don't have any discretion into whether or not you follow that instruction. 12 follow that instruction or requirement? 13 A Correct. 14 Q It goes on to say, "It cannot be overemphasized that members shall continually monitor and remain cognizant of the condition of a person in custody, especially when he or she is in restraints," right? 16 A Correct. 17 A Correct. 18 Q That is a requirement. It's not discretionary for police officers. True? 19 Q That is a requirement. It's not discretionary for police officers. True? 21 A Correct. 22 Q It goes on to state, "The arrestee may encounter immediate or delayed physical resections that may be triggered by the change in physical or environmental factors; therefore caution and awareness on the part of the officers is constantly requires" - "required" means it's not discretionary. You must remail constantly cautious and aware of a prisoner in physical restraints, true? 2 A True. 2 Q In you son to state, "The arrestee may encounter immediate or delayed physical resections that may be triggered by the change in physical or environmental factors; therefore caution and awareness on the part of the officers is constantly requires" - "required" means it's not discretionary. You must remail constantly cautious and aware of a prisoner in physical restraints, true? 3 Q The 'caution and awareness on the part of the officers is constantly requires" - "required" means it's not discretionary. You must remail constantly cautious and aware of a prisoner in physical restraints, true? 3 Q Correct. 4 Q And you said that paphy to Mr. Perry on the evening in question? 5 A Correct. 5 Q And you said in this well and you can think of any reason as we sithere	1	Page 77			Page 79
That's a requirement, right? A Yes. Q "If medical treatment becomes necessary, member shall immediately request medical assistance by telephone or radio," right? A Correct. Q You don't have any discretion into whether or not you follow that instruction. A A requirement. Q You don't have any discretion into whether or not you follow that instruction. A Correct. Q In goes on to say, "It cannot be overemphasized that members shall continually monitor and remain cognizant of the condition of a person in custody, especially when he or she is in restraints, "right? A Correct. A True. The arrestee may encounter immediate or delayed physical reactions that may be discretionary. You must remain constantly cautious and aware of a prisoner in physical restraints, true? A True. Page 78 The required' man in the wenther or not you follow that in the hospital. The hard would not average and physical or entrolomental form the hospital physical restraints, true? A True. A True. A True. A True. A At what point? A At what point	1	Q Is that optional for police officers?	1	Α	Yes.
3 Q That's a requirement, right? 5 Q "If medical treatment becomes necessary, member shall immediately request medical assistance by telephone or radio," right? 5 A Correct. 6 Q Is that optional or a requirement? 9 Q Is that optional or a requirement? 10 A A requirement. 11 A Correct. 12 Q Il goso no say, "It cannot be overemphasized that members shall continually monitor and remain cognizant of the condition of a person in custody, especially when he or she is in restraints," right? 15 A Correct. 16 Q That's a requirement. It's not discretionary for police officers. True? 17 A Correct. 18 Q I gose on to state, "The arrestee may encounter immediate or delayed physical reactions that may be triggered by the change in physical or renains not discretionary for a police officers. True? 17 A True. 18 Q That's a requirement. It's not discretionary for police officers is constantly required," true? 19 A True. 10 A True. 11 Q Any reason why that didn't apply to Mr. Perry on the evening in question? 12 A True. 13 Q The "caution and awareness on the part of the officer is constantly required," irrue? 14 A Correct. 15 Q Any reason why that didn't apply to Mr. Perry on the evening in question? 16 Q Any reason why that didn't apply to Mr. Perry? 17 Q A tany point in time when he returned from PPS. 18 A Liddrit say that it didn't. 19 Q Would there be any reason why this policy and procedure that we have just a factors there to do when he returned from PPS. 10 Q May reason why that didn't apply to Mr. Perry? 11 Q A tany point in time when he returned from PPS. 12 Q O Would there be any reason why that sould not apply to Mr. Perry? 15 A I didn't say that it didn't. 16 Q I'm just asking you if you can think of any reason as we sit here today why that would not apply to Mr. Perry was after today. 17 A Correct. 18 Q Would there be any reason why that policy and procedure that we have just canne from the hospital, at any or the condition of a person in expectations. The policy of the officer is constantly required. The provingent	2	A No.	2	Q	I appreciate your being candid; however, my question
4 Yes. 9 Q If medical treatment becomes necessary, member shall immediately request medical assistance by telephone or radio," right? 8 A Correct. 10 Q You don't have any discretion into whether or not you follow that instruction. 11 Q You don't have any discretion into whether or not you follow that instruction. 12 A Correct. 13 Q If goes on to say, "It cannot be overemphasized that members shall continually monitor and remain cognizant of the condition of a person in custody, especially of the correct. 14 Q That is a requirement. It's not discretionary of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a person in custody, especially of the condition of a perso	3	Q That's a requirement, right?	3		
immediately request medical assistance by telephone or radio, "right? 7 radio," right? 8 A Correct. 8 Q regarding constantly monitoring a prisoner 7 A Okay. 8 Q in physical restraints, specifically paragraph number 2 that I went sentence by sentence by. 9 Q Is that optional or a requirement? 10 A requirement. 11 Q You don't have any discretion into whether or not you follow that instruction. 12 A Correct. 13 A Correct. 14 Q It goes on to say, "it cannot be overemphasized that member's shall continually monitor and remain congrizant of the condition of a person in custody, especially when he or she is in restraints," right? 15 of the condition of a person in custody, especially when he or she is in restraints, "right? 16 A Correct. 17 Q That is a requirement. It's not discretionary for pice officers. True? 18 A Correct. 19 Q That is a requirement. It's not discretionary for pice officers. True? 20 It goes on to state, "The arrestee may encounter indicate or delayed physical reactions that may be triggered by the change in physical or environmental factors; therefore caution and awareness on the part of the officers constantly required," true? 1	4	A Yes.	4		
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21 (Pages 81 to 84)

Fage 83 1 Q How was Mr. Perry placed on the cell, of A3? Strike that. How was Mr. Perry placed on the floor of cell A3? A We carried him. Q And was he placed face down, on his back? How would you describe it? A The same way before. We even took him in there on — he was sitting on his butt with his legs extending outward. Q Did you ever — strike that. Were you ever provided any information that when Mr. Perry was removed from the cell, a city janitor found gobs of spit, blood, and feces in the spot where he was laying in cell A3 was covered in spit, blood, and feces in the swa laying in cell A3 was covered in spit, blood, and feces when you saw him placed into cell A3? A Mob Perry, there was spit coming out of his mouth; 1 didn't see any blood. His pants were wet, and I didn't see any blood. His pants were wet, and I wouldn't — noe could — his pants were wet, so yes, he probably did urinate or defecate himself. But I Page 83 I did did not specifically sake how that happened. A Correct. Q So you did not know whether Mr. Perry voluntarily solided himself or that papened as a result of an involuntary process, correct? Q A Correct. Q Did you ever — strike that. Were you ever provided and feels, and yin from that when Mr. Perry whether he had voluntarily solled himself or that process had occurred as a result of some involuntary action? A Nobody had — has specifically lod her that, no. Year. Q Was Mr. Perry, there was spit coming out of his mouth; 1 didn't see any blood. His pants were wet, and I didn't see any blood. His pants were wet, and I wouldn't — "covered." When I think of "covered," your endre body. No, I did not see feese from head to toe or blood. Q You would ognee that a prisoner can suffer from a change in condition if he goes from not bleeding to be beeding, right? A Do I consider that to be a change? Yes, I do. Q You would ognee that a prisoner can suffer from a change in condition if he goes from not bleeding to be beeding, right? A Do I consider that to be a change? Yes, I do. Q You would ogn
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himself or it happened as a result of an involuntary 18 MS. LAPPEN: calls for speculation.
20 A Can you repeat that? 20 monitor him. I wasn't I don't know what they
21 Q Sure. What effort, if any, did you make to determine 21 after I left, I don't know what they specifically did
22 whether Mr. Perry intended and voluntarily urinated 22 to monitor him.
23 and defecated on himself after he returned to PPS 23 BY MR. GENDE:
24 A Well, I didn't ask him if he 24 Q Well, I will represent to you that I took Officer
25 Q or it occurred as a result of some involuntary 25 Diaz-Berg's deposition several weeks ago.

22 (Pages 85 to 88)

					22 (Pages 85 to 88)
		Page 85			Page 87
1	Α	Okay.	1		entire time, right?
2	Q	And she told me on the record that she made four cell	2	A	_
3	-	checks an hour.	3	Q	And based on your observations, you were very
4	Α	Okay.	4	•	concerned about his deteriorating condition, right?
5	Q		5	Α	I didn't say it was deteriorating.
6	À		6		Well, it had deteriorated from the moment you brought
7	Q	Does that sound like continual monitoring to you?	7	`	him there, to the emergency room, to the moment he was
8	_	MS. LAPPEN: Objection. Foundation and it	8		discharged, right?
9		calls for speculation.	9	Α	I didn't I said his it was different.
10		But go ahead and answer.	10	O	
11	Α	It sounds like monitoring to me. I don't know what	11	`	now?
12		their how PPS, what they consider as monitoring. I	12	A	His condition never from the time that he was
13		don't work up there. I don't know what they do to	13		discharged to the time that he got to PPS, it didn't
14		up there to monitor prisoners.	14		change. It was the same with the not being able to
15		BY MR. GENDE:	15		directly give us a response. The only thing that
16	o	Well, you know what "continually monitoring" is	16		changed was the when he was sitting on the floor
17	•	because you did it with Mr. Perry over a period of	17		and saliva started coming out.
18		several hours, true?	18	0	That's not my question. I'm talking about the
19	Α		19	•	approximately three hours you spent with Mr. Perry at
20	Q		20		the emergency room, right?
21	•	into the emergency room until he was placed on the	21	Α	Uh-huh. Yes.
22		floor of cell A3, correct?	22	Q	And we went over that in detail
23	Α		23	Ā	
24	Q	Other than leaving his side for several minutes to get	24	Q	at the start of your deposition, correct?
25	`	something to drink and while another officer remained	25	À	Correct.
		Page 86			Page 88
1		in his presence, you continually monitored Mr. Perry,	1	0	-
2		right?	2	Q	And we established that when you took Mr. Perry there,
3	Δ	Yes, I did.	3		he seemed normal, right? And I'm talking about the emergency room.
4		You didn't come back every 15 minutes in a staggered	4	A	From the outside, yes.
5	V	approach to see whether he was getting better or	5	Q	And when Mr. Perry left the emergency room, you were
6		worse, right?	6	V	very concerned about his condition to the extent where
7	Α	No.	7		you questioned the doctor about him being discharged,
8	Q		8		right?
9	*	"continually monitoring" means because you told me you	i		Did I question the yes, I did ask the doctor what
10		did it, right?	10		what they did.
11	Α	It's	11	O	And you asked because you were very concerned about
12		MS. LAPPEN: Objection.	12	~	what appeared to you as a deterioration of Mr. Perry's
13	Α		13		condition while he was at
14			_	٨	
		MS. LAPPEN: Objection to the form of the	14	$\overline{}$	I GIULI I SAVIL WAS UCICHOLALING. I ASKED THE DOCIOT
15		MS. LAPPEN: Objection to the form of the question, and it's argumentative, and it lacks		А	I didn't say it was deteriorating. I asked the doctor to explain to me what they gave him, why and why
ı		question, and it's argumentative, and it lacks	14 15 16	А	to explain to me what they gave him, why and why
15			15	А	to explain to me what they gave him, why and why was condition his condition different from the time
15 16	A	question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead.	15 16		to explain to me what they gave him, why and why was condition his condition different from the time when he first got there.
15 16 17	A	question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead.	15 16 17	Q A	to explain to me what they gave him, why and why was condition his condition different from the time
15 16 17 18	A	question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the	15 16 17 18	Q	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse? Bizarre.
15 16 17 18 19	A Q	question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the way Officer Diaz-Berg monitored him. BY MR. GENDE:	15 16 17 18 19	Q A	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse?
15 16 17 18 19 20		question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the way Officer Diaz-Berg monitored him. BY MR. GENDE:	15 16 17 18 19 20	Q A Q	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse? Bizarre. Bizarre in a good way? He was happy and able to walk
15 16 17 18 19 20 21		question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the way Officer Diaz-Berg monitored him. BY MR. GENDE: Yeah. We understand that. But I'm talking to you	15 16 17 18 19 20 21	Q A Q A	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse? Bizarre. Bizarre in a good way? He was happy and able to walk on his own and communicating
15 16 17 18 19 20 21 22		question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the way Officer Diaz-Berg monitored him. BY MR. GENDE: Yeah. We understand that. But I'm talking to you right now about your continual monitoring of Mr.	15 16 17 18 19 20 21 22	Q A Q A	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse? Bizarre. Bizarre in a good way? He was happy and able to walk on his own and communicating Bizarre that I have never seen someone, that type of reaction.
15 16 17 18 19 20 21 22 23	Q	question, and it's argumentative, and it lacks foundation. It calls for speculation as well. But go ahead. The way that I monitor Mr. Perry is different from the way Officer Diaz-Berg monitored him. BY MR. GENDE: Yeah. We understand that. But I'm talking to you right now about your continual monitoring of Mr. Perry, right? You continually monitored him, right?	15 16 17 18 19 20 21 22 23	Q A Q A	to explain to me what they gave him, why and why was condition his condition different from the time when he first got there. Different as in better or worse? Bizarre. Bizarre in a good way? He was happy and able to walk on his own and communicating Bizarre that I have never seen someone, that type of

23 (Pages 89 to 92)

_					23 (Pages 89 to 92)
		Page 89			Page 91
1		weren't closed but he could still hear us. He wasn't	1	Α	It's different because, at that point, my assignment
2		totally unconscious where I've just never seen	2		is just to strictly monitor Mr. Perry at that time. I
3		anything like that before.	3		don't work up at PPS. I don't know how many, the time
4	Q		4		frame. I don't know how many checks they're supposed
5	Α	He was in the middle	5		to do. I don't know I don't know if they
6	Q	I thought we established that you were concerned	6		physically are supposed to sit in there with the
7		because Mr. Perry got worse at the emergency room. Am	7		prisoners. I
8		I incorrect?	8	Q	Well, let me ask you this. Look at 090 that we've
9	Α	I didn't say he was worse.	9	-	talked about
10	Q	So	10	Α	Okay.
11	Α	I said it was different.	11	Q	at length now and tell me where it says continually
12	Q	And you were concerned because he was different? That	12		monitoring only pertains to PPS. Where does that say
13		was your concern?	13		that in this
14	Α	I'm expecting when he leaves the hospital, he should	14	A	Prisoners need to be monitored at all times.
15		be better.	15		
16	Q	And was he better when he left the hospital?	16		procedures
17	Α	It wasn't the same as when he came in.	17	Α	Mm-hmm.
18	Q	He wasn't able to walk.	18	Q	and tell me where it says that this continually
19	Α	He didn't fully He wasn't fully walking on his own.	19		monitoring requirement only happens at PPS.
20		He needed assistance.	20	A	It doesn't say it's only supposed to happen at PPS.
21	Q	Just so the record is clear because I'm confused based	21	Q	As a matter of fact, if somebody is physically
22		on your earlier testimony, did you think Mr. Perry got	22		restrained, including the use of an expectorant
23		better while he was at the emergency room, or were you	23		shield, that person "shall be continually monitored,"
24		concerned upon discharge that he was worse?	24		right?
25	Α	His condition was I expected Mr. Perry, that he	25	A	Yep.
		Page 90			Page 92
1		should have been the same condition as when we	1	Q	And continually monitored, whether it's in PPS, in the
2		arrived.	2	_	emergency room, or the back of a squad car, are you
3	Q	And was he?	3		telling me that those are different?
4	Α	No.	4	Α	It's two different places so, yes, it is different.
5	Q	And based on what you observed by closely and	5	Q	So you would continually monitor somebody in an
6		constantly monitoring him at the emergency room, you	6		emergency room differently than you would continually
7		were concerned at discharge and raised those concerns	7		monitor somebody in the back of your car, or back of
8		with the doctor, right?	8		your squad?
9	A	*	9		It's different as the way that I monitored him at
10	Q	"Continually monitoring" to you means what?	10		the hospital is different from the way Officer Diaz-
11	Α	It means I was pretty much sitting right next to him	11		Berg monitored him at PPS.
12	_	through the whole time he was at the hospital.	12	Q	I understand that.
13	Q	•	13	A	Okay.
14 15		operating procedures that we've read into the record,	14	Q	Because she told us she did 15-minute shifts.
16		do you have any reason to tell me that continually	15	A	Okay. But I didn't do 15-minute shifts.
17		monitoring the way you continually monitored is any different from the continually monitoring that's set	16	Q	You continually monitor.
18		forth in these policies and procedures?	17 18	A O	I stayed with him. Meaning what? You did or didn't continually monitor
19	A		19	•	him?
20	Q		20		I was in his presence the whole time we went to the
21	~	different than continually monitoring that you did	21		hospital.
22		while at the emergency room, while in the vehicle	22		Do you feel that you fulfill Do you feel that you
		bringing Mr. Perry back, while assisting in bringing	23		fulfilled the requirements of standard operating
23		bringing with the back, while assisting in bringing	23		runnied the requirements of standard operating
		Mr. Perry up in the elevator, and setting him on the	24		procedure 090?

24 (Pages 93 to 96)

		Page 93			D 0F
		_			Page 95
1	Q	,	1		who had told me. I thought that he was I didn't
2		he was in your custody and physical restraints were	2		believe him when he had told me.
3		being used.	3	Q	Did you have further conversation with Officer Bungert
4	A	I From up until the point, yes, the original	4		about Mr. Perry's death?
5		assignment, to after he was placed in the cell, no, I	5	A	No.
6	_	didn't stay with him after he was placed in the cell.	6	Q	Did you discuss it with Officer Krowz Kroes
7	Q	But up until that point in time, you fulfilled the	7		[Kruiz]?
8		requirements of SOP 090 and continually monitored him,	8	Α	He was sitting right there. He heard the
9		true?	9	_	conversation. And then I called Lieutenant Robbins.
10		Yes, I did.	10	Q	And what did you say to him?
11	Q	Do you know if after you left Mr. Perry in the cell of	11		I asked him what had happened.
12		A3 that he continued to be continually monitored by	12	Q	•
13		anybody in accord with this policy and procedure?	13	Α	,, , , , , , ,
14		MS. LAPPEN: Objection. Foundation and it	14	Q	And what did you talk to Officer Kroes about then at
15		calls for speculation.	15		that point as it relates to Mr. Perry?
16		But go ahead and answer.	16	A	There really nothing. There was They were
17	Α	I don't know what they did for Mr. Perry after I left.	17		trying to dispatch us to another assignment, but I
18	_	BY MR. GENDE:	18		already knew that we were going to need to go back to
19	Q	Do you have any evidence or information as we sit here	19		the District regarding this assignment.
20		today that Mr. Perry was continually monitored after	20	Q	
21		you placed him on the cell floor of A3?	21		passed away shortly after leaving PPS, other than
22		MS. LAPPEN: Same objections.	22		disbelief?
23		But go ahead and answer.	23		I was mad and upset.
24	A	I don't know what they did for him after I left. I	24	Q	You were mad about what?
25		don't know how they monitored him or what was done	25	A	That Mr. Perry had passed away.
		Page 94			Page 96
1		with him.	1	Q	And you were upset about what?
2		BY MR. GENDE:	2	Α	Because Mr. Perry passed away.
3	Q	So the simple answer to my question is, no, you have	3	Q	Who were you mad and upset with that Mr. Perry had
4		no evidence or information as we sit here today that	4		passed away?
5		Mr. Perry was continually monitored while he remained	5	Α	There was there wasn't a particular one person that
6		in a physical restraint after being placed in cell A3,	6		I could say was responsible for him passing away.
7		true?	7	Q	Did you reflect on the events of the evening and the
8		MS. LAPPEN: Same	8		hours that you had spent with Mr. Perry on the evening
9	A	-	9		he died about what could have been done differently to
10		MS. LAPPEN: Same objection and form of the	10		change that course of events?
11		question.	11		MS. LAPPEN: Objection. It calls for
12		BY MR. GENDE:	12		speculation.
13	Q	3 1	13		But go ahead and answer.
14		Who told you?	14	A	You're asking me if I thought about what I could have
15	A	How it came about is after me and Officer Kroes had	15		done differently to prevent this outcome?
16		left the building, we were probably three or four	16		BY MR. GENDE:
17		blocks away, on the radio I heard a request for	17	Q	I'm not asking about what you would have done
18		another conveyance from for a male prisoner from	18		differently. I'm asking in general if you reflected
19		PPS to CJF. I felt that that particular, when I heard	19		on the events of the evening and the hours that you
20		it, that assignment, I was thinking, I looked at	20		spent with Mr. Perry prior to his death what could
21		Officer Kroes and I felt that was probably our same	21		have been done differently to change that course of
22		prisoner. Officer Bungert is the one that had told me	22		events?
23		he had passed away.	23		MS. LAPPEN: Same objection. It calls for
1 7 4	Q	And what did Officer Bungert tell you?	24		speculation, and foundation as well.
24 25	Α	He didn't go into specific detail, but he was the one	25		But go ahead and answer.

25 (Pages 97 to 100)

	D				23 (rages 37 to 100)
		Page 97			Page 99
1	A	I don't know what could have been done differently to	1		Exhibit No. 77. This is a statement that you provided
2		prevent that.	2		to the investigating detective when Mr. Perry passed
3		BY MR. GENDE:	3		away. You reviewed this statement in preparation for
4	Q		4		your deposition, correct?
5	A	•	5	A	
6	Q		6	Q	
7		it's your opinion that there is no action you could	7		inaccurate or untruthful?
8		have taken that would have resulted in some different	8	A	,
9		ending for Mr. Perry?	9		statement that I didn't remember, things that had
10		MS. LAPPEN: Same objections.	10	_	happened that I didn't remember.
11		Go ahead and answer.	11	Q	And when you reviewed the statement, did it help
12	A	I don't know what else I could have done differently.	12		refresh your recollection as it relates to those
13		I haven't been If a prisoner is injured or sick in	13		things that you previously did not remember?
14		any type of way, we've been trained to took him to	14	A	No. Even after I read it, there were still some parts
15		take them to the hospital, which is what I did.	15		of my statement that I do not remember.
16	_	BY MR. GENDE:	16	Q	· · · · · · · · · · · · · · · · · · ·
17	Q	Could you have expressed your concerns about Mr.	17		occurring?
18		Perry's condition to any of the officers at PPS once	18	A	
19		Mr. Perry was returned?	19		MS. LAPPEN: Why don't you start from the
20		MS. LAPPEN: Same objections.	20		beginning and go through it?
21		But go ahead and answer.	21		THE WITNESS: Okay.
22	Α	I'm Repeat that?	22	Α	I couldn't remember what he was arrested for. I did
23	_	BY MR. GENDE:	23		not remember where I it says him becoming very
24	Q	1 7	24		quiet and then yelled out, "Hey."
25		Perry's condition upon discharge to any of the	25		I did not remember a nurse coming in to
1					
		Page 98			Page 100
1		Page 98 officers at PPS when Mr. Perry was returned?	1		-
1 2	A	-	1 2		Page 100 rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't
1	A	officers at PPS when Mr. Perry was returned?	1		rubbing his chest to get up to go to the bathroom.
2		officers at PPS when Mr. Perry was returned? Are you asking about how the — his treatment at the hospital, could I have told them what I thought personally, or	2		rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't
2 3		officers at PPS when Mr. Perry was returned? Are you asking about how the his treatment at the hospital, could I have told them what I thought personally, or No. I'm asking you you testified that you were	2		rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't remember if we if me and Officer Kroes had if he
2 3 4 5 6	Q	officers at PPS when Mr. Perry was returned? Are you asking about how the his treatment at the hospital, could I have told them what I thought personally, or No. I'm asking you you testified that you were concerned enough to talk to the doctor	2 3 4		rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't remember if we if me and Officer Kroes had if he was taken back to PPS in our squad car or from or a
2 3 4 5 6 7	Q	officers at PPS when Mr. Perry was returned? Are you asking about how the his treatment at the hospital, could I have told them what I thought personally, or No. I'm asking you you testified that you were concerned enough to talk to the doctor Yes, I did.	2 3 4 5	Q	rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't remember if we if me and Officer Kroes had if he was taken back to PPS in our squad car or from or a wagon. BY MR. GENDE:
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2 3 4 5 6 7 8 9 10 11 12 13	Q A Q A Q A	officers at PPS when Mr. Perry was returned? Are you asking about how the his treatment at the hospital, could I have told them what I thought personally, or No. I'm asking you you testified that you were concerned enough to talk to the doctor Yes, I did upon Mr. Perry's discharge. Yes, I did. You didn't think he should be discharged, right? I No. What prevented you from expressing those concerns to any officers at PPS when you returned Mr. Perry there? There was nothing that prevented me.	2 3 4 5 6 7 8 9 10 11 12 13	A Q	rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't remember if we — if me and Officer Kroes had — if he was taken back to PPS in our squad car or from — or a wagon. BY MR. GENDE: Any other areas? No. At the bottom of page 2 of your statement, the detective documented you stating, "That Perry was carried face up during the time they were transporting him to the cell." Were you asked by the detective how Mr. Perry was carried, or did you just provide that information voluntarily?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q	officers at PPS when Mr. Perry was returned? Are you asking about how the — his treatment at the hospital, could I have told them what I thought personally, or No. I'm asking you — you testified that you were concerned enough to talk to the doctor — Yes, I did. — upon Mr. Perry's discharge. Yes, I did. You didn't think he should be discharged, right? I — No. What prevented you from expressing those concerns to any officers at PPS when you returned Mr. Perry there? There was nothing that prevented me. What prevented you from reading Mr. Perry's discharge instructions that would require he get immediate medical attention in the event certain things occurred with him? If Mr. Perry would have asked me to read his discharge papers to him, I would have. Was Mr. Perry responsive to any of your inquiries once	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A	rubbing his chest to get up to go to the bathroom. Some parts of the conveyance part, I couldn't remember if we if me and Officer Kroes had if he was taken back to PPS in our squad car or from or a wagon. BY MR. GENDE: Any other areas? No. At the bottom of page 2 of your statement, the detective documented you stating, "That Perry was carried face up during the time they were transporting him to the cell." Were you asked by the detective how Mr. Perry was carried, or did you just provide that information voluntarily? I was asked specifically how Yes, he asked me specifically how he was carried. And then the detective goes on to relate that I'm sorry. In the sentence before, you related that "As he was carried to the cell, he was still in handcuffs and shackles. Perry was never dropped by anyone." Do you see where I read that?
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26 (Pages 101 to 104)

Page 101 Page 103	Page 103			
Perry was dropped, or did you voluntarily relay that 1 and groaning.				
2 information? 2 Q Other than not				
3 A I don't remember. 3 A Or what may have caused his	Ì			
4 Q And I'm almost done. Did you ever tell anyone that 4 Q Other than not asking, did you take an	y other action			
5 you thought Mr. Perry was faking his condition? 5 to try and determine why Mr. Perry was	s moaning or			
6 A No. 6 groaning?				
7 Q Was any follow-up interview done after you provided 7 A No.				
8 the information contained in Exhibit No. 77? 8 Q Did you observe any other officer eith	er inquire or			
9 A Are you asking me if I was interviewed again after 9 take some action as to why Mr. Perry w	- 1			
10 this original statement? 10 groaning?				
11 Q Yes. 11 A No.				
12 A No. 12 Q Officer Kroes told me at his deposition	n that he didn't			
13 Q Were you ever interviewed as it relates to statements 13 hear exactly what your conversation wa	I .			
14 Lieutenant Robbins 14 Lieutenant Robbins at the time Mr. Per				
15 A Yes. 15 discharged, but he thought you said son				
16 Q made? And what do you recall about that interview 16 extent, "Look, you know he's not even to				
process? 17 told the hospital staff we don't think this	- 1			
18 A I was they had asked me if I heard a particular 18 Do you recall saying words to that effect	- 1			
comment that Lieutenant Robbins had made. 19 Lieutenant Robbins?				
20 Q And how did you respond? 20 A Yes, I did.	1			
21 A I told that I didn't hear this comment, but I thought 21 Q And do you recall Lieutenant Robbins	saying words to			
22 it was unprofessional. 22 this effect, "Well, if you have the paper				
23 Q Did Officer Krowz ever tell you I'm sorry 23 they're saying he's discharged, there's no				
Officer Kroes ever tell you that Mr. Perry should not 24 else we can do. So bring him back the				
have been discharged from the emergency room in his 25 can, and we'll deal with it from there"?	,,,,,			
Page 102 Page 104				
1 opinion? 1 A Yes.				
2 A No. 2 Q Were you advised by anyone that the contract the contract that the contract the contract that the contract t	andition van			
3 Q When did you first hear Mr. Perry start moaning and 3 observed strike that.	ondition you			
4 groaning? 4 Did anybody at the hospital advise y	on that the			
5 A After we got off the elevator. 5 condition you had observed as it relates				
6 Q And did you or any other officer in your presence 6 during the several hours he was in the h				
7 inquire as to whether or not Mr. Perry was suffering 7 solely related to medication?	ospitai was			
8 from any physical conditions? 8 A That's what the nurse had Yes, that's	what she told			
9 A I'm sorry. Can you repeat that? 9 me, and I can't remember, is it Dr. Coop				
10 Q Did you or any other officer in response to Mr. 10 I don't know how to pronounce his last:				
Perry's moaning and groaning inquire as to whether or 11 Q Do you recall specifically talking to D				
not Mr. Perry was suffering from a medical or physical 12 discharge?	., 5558			
13 problem? 13 A Yes.				
14 A Did we ask him why he was moaning and groaning? No. 14 Q And how do you know it was Dr. Coop	pan?			
15 Q What, if anything, did you do to determine why Mr. 15 A I believe He had a lab coat on, or so	•			
Perry had started moaning and groaning? 16 like a jacket.				
17 A No, I did not inquire specifically why he was moaning 17 Q Let me ask you this. Was the same do	ctor who talked			
and groaning. 18 to you at discharge the same doctor who				
19 Q I'm asking what, if anything, did you do? Did you do 19 on Mr. Perry over the course of the ever				
anything to determine why Mr. Perry started moaning 20 A There We were there with him after				
and groaning once he was brought back into PPS? 21 leave right away after he was discharged				
22 A He was making noises. It was I didn't know why. 22 what he had gave him, why is he acting				
23 Q And what did you do to determine why he was making 23 basically okay, well, what I asked him				
those noises, if anything? 24 you what did you give him, why is he				
25 A No, I did not specifically ask him why he was moaning 25 MR. GENDE: Can you read the				

27 (Pages 105 to 108)

		The state of the s	1		2/ (Pages 105 to 108)
		Page 105			Page 107
1		please?	1	Α	No.
2		THE REPORTER: Yes. Stand by.	2	Q	
3		(Question played back 1:00 - 1:01)	3	`	grief as it relates to Mr. Perry's death?
4		THE REPORTER: Stand by. Okay. Please	4	Α	No.
5		continue.	5	0	Have any other officers expressed to you, or in your
6		BY MR. GENDE:	6	~	presence, what might have been done differently that
7	Q		7		would have prevented Mr. Perry's death or led to a
8		My answer was I only had contact with one doctor.	8		less permanent outcome?
9	0		9		MS. LAPPEN: Calls for speculation.
10	~	Perry was faking?	10		But go ahead and answer.
11	Α	No.	11	Α	No.
12	0		12	Λ	
13	×	supervisor, ever say to you or say in your presence	13		MR. GENDE: Okay. I don't think I have
14			i		anything further. Thank you, Officer.
15		they believe Mr. Perry was faking his condition?	14		MS. LAPPEN: I just have a little
	A	No, I do not remember anybody telling me that he	15		clarification.
16	_	thought Mister or that he was faking.	16		THE REPORTER: Ms. Lappen.
17	Q	S	17		MS. LAPPEN: Thank you.
18		when he was returned to PPS.	18		EXAMINATION
19		Correct.	19		BY MS. LAPPEN:
20	Q	,	20	Q	Officer Jacks, if you could just keep Exhibit 77 in
21		was there any discussion amongst any officers that	21		front of you. I just want to clarify. You were
22		you're aware of, including yourself, that Mr. Perry	22		interviewed by I believe it's Detective Fortune on the
23		was faking his condition while he was at PPS?	23		same night of Mr. Perry's death, correct?
24	Α	No.	24	A	Correct.
25	Q	Was there a debrief that included the officers who	25	Q	And at the time he interviewed you, am I correct that
		Page 106			Page 108
1		were on duty on the shift that Mr. Perry died?	1		you gave him information to the best of your ability?
2	Α		2		Yes.
3	Q	· · · · · ·	3	Q	And you tried to relay to him as much detail as
4	À	Not not like a group debriefing. I talked to my	4	-	possible in response to his questions, correct?
5		captain the next day about it.	5	Α	Yes.
6	Q		6	Q	Okay. Do you think that the memory that you had
7	*	passing?	7	_	regarding any of the events involving your interaction
8	A	No.	8		with Mr. Perry that night, that you think you do
9	o	And when you talked to your captain about it, was	9		you think that your recollection at the time that you
10	V	there any discussion that Mr. Perry had been faking	10		spoke with Detective Fortune was better than your
11		his condition?	11		recollection is today?
12	Α	No.	12	A	Yes.
13	Q		13	Q	
14	V	relates to Mr. Perry's death?	14	_	Okay. I just want to point out to page 2 of this
15	Α		15		exhibit, the fourth paragraph, and it starts with,
16	Q				"Officer Jacks relates that while waiting for the
17	V	Did you seek any grief counseling independently as it relates to Mr. Perry's death?	16		doctor, Perry stated that he had to use the bathroom.
18	A	· · · · · · · · · · · · · · · · · · ·	17		She relates that he subsequently did go to the
19			18		bathroom alone, and when he was done, he was recuffed
20	Q				and walked back to his hospital bed." Do you recall
		to express some sorrow or sadness or grief as it	20		giving that information to Detective Fortune?
21		relates to Mr. Perry's death. Do you feel some grief	21	A	Yes.
22		in that regard?	22	Q	And you had stated earlier in your deposition today
	Α	Yes.	23		that when after Mr. Perry had indicated to you that
23	^	TT 41 to the second of the sec			
23 24 25	Q	Has any other prisoner that you've closely monitored passed away on your watch?	24 25		he needed to use the bathroom, that you called Officer Kroes in to assist with that process?

28 (Pages 109 to 112)

Page 109					Page 111
		•			Page 111
1	A	Correct.	1	Q	,,
2	Q	Did Officer Kroes go with him to the bathroom?	2		the nurse was called and subsequently arrived and
3	A	We both yes, we both went with him.	3		tried to give Perry an I.V. It was unsuccessful." Do
4	Q		4		you recall that happening, meaning the nurse coming in
5		himself, he was supervised by you and Officer Kroes up			the room and trying to get an I.V. going but being
6		until the point that he went into the bathroom,	6		unsuccessful in that process?
7		correct?	7	A	
8	A		8	Q	
9		physically in the bathroom with him, and I was	9		happening what the issue was with the I.D I mean,
10		standing outside the door.	10		excuse me the I.V. and not getting it going?
11	Q	Okay. And just was this bathroom, was it attached	11	A	,
12		to the hospital room in which Mr. Perry was placed, or	12		needle it was she was pulling the needle like in
13		did you have to go into the hospital hallway and then	13		and out, and he had track marks what I believe was
14		to a different location to the bathroom?	14		from shooting up drugs. And so it's it scars the
15	Α	2	15		tissue. It makes like holes on your skin and it's
16	Q	· ·	16		hard to get anything in.
17		that bathroom from the hospital room?	17	Q	Okay. So from your observation, it appeared that she
18	Α		18		was simply physically, with the needle, having
19	Q	- · · · · · · · · · · · · · · · · · · ·	19		difficulty penetrating the skin to get that I.V. set
20	Α		20		up.
21	Q		21	Α	Correct.
22		paragraph reads, "Officer Jacks relates Perry then	22	Q	Okay. Then it continues, "She," meaning you, "She
23		began asking about his charges." Do you recall making	23		relates that the nurse left the room, returned with
24		that statement to Detective Fortune?	24		other medical personnel. The insertion of the I.V.
25	A	No.	25		was successful, and the nurse told them that he will
		Page 110			Page 112
1	Q	Sitting here today, do you recall Mr. Perry having any	1		be ready to go in approximately 30 minutes and will
2		kind of discussion with you or asking about the	2		not be admitted." Do you recall that series of events
3		charges, the criminal charges that he was facing that	3		happening?
4		night?	4	Α	Correct.
5	Α	I don't remember specific charges, but I remember him	5	Q	When the nurse came back in the hospital room, do you
6		asking what it was he going to go from after the	6		recall how many other people came in with her?
7		hospital.	7	Α	
8	Q	Okay. Then the next paragraph, so that would be the	8	Q	Right.
9		fifth paragraph on the second page of the exhibit, it	9	A	At least one other person.
10		reads, "Officer Jacks relates that Perry then became	10	Q	Okay. And did it appear to you that the other person,
11		very quiet for a while." Sitting here today, do you	11		or at least one other person, kind of took over,
12		recall that happening?	12		attempting to set the I.V. and that the other person
13	A	No.	13		was successful?
14	Q	Okay. Do you have any sense how long of a period of	14	A	Yes.
15		time it was wherein Mr. Perry became very quiet?	15	Q	Okay. Then that paragraph completes by stating, "The
16	Α	Do I know the specific time? A couple minutes.	16		nurse related to" you "Officer Jacks that the
17	Q	Okay. And then, well, the paragraph continues by	17		medication that was given to him will make him a
18		saying that "She," meaning you, "She states that all	18		little drowsy." Do you recall the nurse telling you
19		of a sudden he yelled out 'Hey,' then went into what	19		that that day?
20		Officer Jacks believes was another seizure." So you	20	Α	Yes.
21		do recall being present, though, when Mr. Perry went	21	Q	And did she give you any indication as to how long she
		into a seizure while in the hospital room, correct?	22		suspected or thought that it might take for the drug
22					
23	A	Mm-hmm.	23		to have that effect, meaning before you would see the
	A Q A		23 24 25	A	effect of Mr. Perry becoming drowsy?

29 (Pages 113 to 116)

	Page 112				200
		Page 113			Page 115
1 2	Q	Okay. Continuing with the next paragraph, it reads, "Officer Jacks relates that the nurse then tried to	1 2	A	Right, I did relate to the that he was not dropped. BY MS. LAPPEN:
3		wake Perry up by arousing him, rubbing his chest,	3		Okay. And as Mr. Perry was being carried back to that
4		telling him to get up and go to the bathroom." And I	4		cell, did you physically have your hands on him?
5		think you stated earlier that sitting here today you	5	A	Yes, I did.
6		don't recall that chest rub?	6		Okay. At any point in time, did you lose your grip
7	Α	Correct.	7		with Mr. Perry?
8	Q	Do you recall, though, after the I.V. was set up, but	8	Α	No.
9	-	prior to medical personnel coming back in the room,	9	Q	At any time did you observe any other officer lose
10		that Mr. Perry did in fact get drowsy? Or appear to	10		their grip with Mr. Perry?
11		be drowsy?	11	Α	No.
12	A	Yes.	12	Q	And did you observe anybody, you know, in any way
13	Q	Okay. That paragraph continues by reading, "Officer	13		falter or stumble as they were carrying Mr. Perry down
14		Jacks relates that she and her partner, Officer Kroes,	14		the hallway and to the jail cell?
15		tried to escort him to the bathroom, but by that time	15		It was I mean, it was he was heavy and, I mean,
16		he had urinated and defecated on himself." Do you	16		we were all four, we were different size officers, so
17		remember sitting here today that occurring?	17		it was kind of - it's hard carrying somebody down a
18	Α	No.	18		hallway.
19	Q	Okay. Do you have any really any reason to believe	19		But do you recall any movement or motion on behalf of
20		that when this information was provided to Detective	20		anybody which indicated to you that Mr. Perry had been
21		Fortune on the night of the incident that it was	21		dropped?
22		incorrect?	22		No.
23	Α	No.	23		MR. GENDE: Objection. Asked and answered.
24	Q	Okay. Then that paragraph continues by reading, "She	24		BY MS. LAPPEN:
25		relates that they then escorted him back to his	25	Q	I'm sorry. Your answer was?
		Page 114			Page 116
1		hospital bed," and continuing with, "Officer Jacks	1	Α	No.
2		relates that moments later, Perry began acting unusual	2	Q	Okay. Thanks.
3		by pulling on the covers." Do you recall this unusual	3	`	MR. GENDE: Same objection.
4		behavior regarding pulling on the covers?	4		MS. LAPPEN: Okay. Nothing further. Do you
5	A	No.	5		have anything?
6	Q	Just moving forward in the report, the last paragraph	6		MR. JONES: I don't have any questions.
7		on the second page, about middle way, it reads, "She	7		MR. GENDE: I do.
8		relates that Perry then began to spit at them, and	8		EXAMINATION
9		they subsequently placed a spit mask on him. Officer	9		BY MR. GENDE:
10		Jacks relates that as they carried him to a single	10	Q	Officer.
11		cell, still in handcuffs and shackles, Perry was never	11	Α	Mm-hmm.
12					
1		dropped by anyone." Sitting here today, do you do	12	Q	In the event that Mr. Perry did urinate and defecate
13		you have a recollection as to the route of travel from	12 13	Q	In the event that Mr. Perry did urinate and defecate himself
13 14		you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the	13 14	Q A	himself Mm-hmm.
13 14 15		you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that	13 14 15	•	himself Mm-hmm while at the hospital, any reason why you wouldn't
13 14 15 16		you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into?	13 14 15 16	A	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance?
13 14 15 16 17		you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took.	13 14 15 16 17	A	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you
13 14 15 16 17 18	A Q	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved	13 14 15 16 17 18	A Q A	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean?
13 14 15 16 17 18 19	Q	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct?	13 14 15 16 17 18 19	A Q A Q	himself Mm-hmm. while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up?
13 14 15 16 17 18 19 20	Q A	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct? Correct.	13 14 15 16 17 18 19 20	A Q A Q A	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up? No, I did not.
13 14 15 16 17 18 19 20 21	Q	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct? Correct. And so sitting here today, do you recall looking back	13 14 15 16 17 18 19 20 21	A Q A Q	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up? No, I did not. Did you offer for him to wear a smock from the
13 14 15 16 17 18 19 20 21	Q A	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct? Correct. And so sitting here today, do you recall looking back on those events regarding that transport process that	13 14 15 16 17 18 19 20 21 22	A Q A Q	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up? No, I did not. Did you offer for him to wear a smock from the hospital?
13 14 15 16 17 18 19 20 21 22 23	Q A	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct? Correct. And so sitting here today, do you recall looking back on those events regarding that transport process that you did not strike that that Mr. Perry was not	13 14 15 16 17 18 19 20 21 22 23	A Q A Q A	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up? No, I did not. Did you offer for him to wear a smock from the
13 14 15 16 17 18 19 20 21 22	Q A	you have a recollection as to the route of travel from the area where Mr. Perry was first brought into the PPS facility to his ultimate location in the cell that he was put into? No, I do not remember the exact path that we took. Okay. But with regard to the you were involved with the process of carrying him to the cell, correct? Correct. And so sitting here today, do you recall looking back on those events regarding that transport process that	13 14 15 16 17 18 19 20 21 22	A Q A Q	himself Mm-hmm while at the hospital, any reason why you wouldn't offer him some assistance? What could I have poss there was what do you mean? Did you offer for him to clean himself up? No, I did not. Did you offer for him to wear a smock from the hospital?

30 (Pages 117 to 120)

Page 117 Page 119 A A smock? No, I did not, 1 Q So your report to the officers -- I'm sorry -- to the 2 Q So in the event that he did urinate and defecate on 2 detective that he urinated and defecated on himself 3 himself at the hospital, is there any reason why you 3 while at the hospital --4 failed to offer him any assistance from the moment you 4 A I don't remember at what point he did that. 5 took him from the hospital back to PPS and sat him 5 Q Well, does that sound accurate to you, as we sit here 6 down on the floor at PPS? 6 today, that he urinated and defecated on himself at 7 MS. LAPPEN: Objection. Argumentative and 7 the hospital and you didn't offer to clean him up, 8 it misstates the witness's prior testimony. 8 didn't offer for Mr. Perry to clean him up, and didn't 9 But go ahead and answer. 9 ask somebody at the hospital to clean him up before he 10 A I don't know where the hospital keeps its supplies. I 10 was transferred? 11 don't -- what could we have -- We have to take him 11 A What could they have done for him -- with his clothes? 12 back out from the hospital to PPS. What could we have 12 That's not my question. 13 put on him? He need -- we couldn't walk him out 13 A They don't have any spare -- I mean, I'm thinking 14 naked. 1.4 about him on the -- not to mention the fact a female 1.5 BY MR. GENDE: 15 officer, what -- I don't -- I'm pretty sure my Q So in answer to my question, you did --16 16 supervisor would prefer I not strip him naked and --17 A I had no problem if there would have been something 17 no. I could have, but --18 right there that I could have put on to help him clean 18 O You're not --19 him up. I put on his shoes and his shirt. If they 19 A And at the most they -- we don't have spare clothes. 20 would have had spare clothes laying around, I would 20 The only thing that they, had he asked, is a paper 21 have dressed him. It's not a problem. 21 jump suit. 22 Q You didn't clean him up and you didn't offer to clean 22 Q That's not my question. 23 him up, correct? 23 Okay. 24 A No, I did not offer to clean him up. 24 I'm asking you, as we sit here today, in the event 25 And you didn't ask Mr. Perry if he'd like to clean 25 that Mr. Perry had urinated or defecated on himself at Page 118 Page 120 1 himself up, in the event that he did urinate and 1 the hospital, does it seem likely that you wouldn't 2 defecate on himself at the hospital. 2 have done anything to address that, you would not have 3 A If he would have asked me that he needed help, I would 3 offered Mr. Perry to do anything to address that, and 4 probably have asked the hospital staff to offer him 4 you would not have asked the hospital staff to do 5 something to clean himself up. 5 anything to address urine and feces on Mr. Perry Q So in the event that he did urinate and defecate on 6 6 before you took him back to PPS? 7 himself at the hospital, you would have asked staff to 7 A You're -- sorry. I don't understand what you're do something so he wouldn't have to be transported in 8 8 saying. I don't even recall when he had defecated and 9 his own urine and excrement, right? 9 urinated on himself. A I could have. I don't know what they would have did 10 10 Q Well, you're telling your attorney that it happened 11 for him. They.... 11 while he was at --12 Q Did you ask anybody at the hospital to try and clean 12 A I don't know when it -- I know I -- I told her when I 13 Mr. Perry up in the event that he had urinated and 13 noticed it. 14 defecated on himself while at the emergency room? 14 Q All right. And I'm --15 A No. I did not. 15 A I don't know at what -- I can't remember what 16 Q Do you believe as we sit here today that he did 16 specifically, when he did that. 17 urinate and defecate on himself while at the emergency 17 Q All right. And I'm asking you that if he did do it --18 room? 18 Mm-hmm. 19 A I don't remember him defecating or -- I don't know 19 -- while at the hospital, you would have taken some 20 what point that happened, and so when we were at PPS, 20 action to try and correct it in the event you could, 21 when we brought him back, then I smelled it. 21 22 Q That was the first time you smelled it. 22 A I could have. Yeah, I could have. 23 A Mm-hmm. 23 You don't want to transport somebody that's full of 24 O At PPS, right? 24 urine and feces, right? A Yes. 25 A No, I don't, nor do I want to transport somebody in

31 (Pages 121 to 122)

	Page 121
1	only a hospital gown.
2	Q And do you want to put somebody in the back of your
3	squad who has urinated and defecated on himself?
4	A No, I don't. But it won't be the first time and it
5 6	won't be the last. Q When you put Mr. Perry in the back of your squad, you
7	told me you and Officer Krowz Kroes had to pick him
8	up and put him in the squad, right?
9	A Mm-hmm.
10	Q You recall that in detail, correct?
11	A Correct.
12	Q Did he have urine or feces on him at that time?
13	A I don't remember any urine or feces on him.
14	Q Did you smell it when you put him in the back of the
15 16	squad? A No.
17	Q Did you smell it when you were driving him back to the
18	facility?
19	A No.
20	Q Did you smell him smell that when you removed Mr.
21	Perry from the back of the squad?
22	A No.
23	Q Did you smell it when you picked up Mr. Perry from the
24 25	squad and walked over to the elevator? A No.
<u> </u>	Page 122
1	Q Did you smell it on the way up in the confined
2	elevator with four other officers?
3	A No.
4	MR. GENDE: I don't have anything further.
5	Thank you.
6	
, _	MS. LAPPEN: No, nothing further. Thank
7	you.
8	THE REPORTER: Okay. There being no further
9	questions, the deposition is concluded at 1:21
10	p.m. Off the record.
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